

1BR-360-15

1BR227u

R30 Rev. 5/99

Ohio Department of Natural Resources
Division of Mines and Reclamation
Fountain Square, H-3
Columbus, Ohio 43224

InvoiceNo: 95

Invoice Date: 07/26/1999

Print Date: 07/26/1999

Permit Type: C

Law: D No: 360

Application: 341

OHIO VALLEY COAL CO
56854 PLEASANT RIDGE ROAD
ALLEDONIA, OH 43902

Re: Request for Bonds and Fees

Dear Sir/Madam:

The following action has been approved or completed:

Application: IBR-11

Bond and fees in the amounts shown below are due before the application can be issued. Bond may be in the form of Surety Bond, Cash Bond, Certificate of Deposit or Letter of Credit.

The fees and bond should be paid to the Division of Mines and Reclamation within thirty(30) days from the date shown above and should reference the given invoice number to insure proper credit. All checks should be payable to the State of Ohio and sent to my attention at the above address.

Bond Amount Due

1.60 x \$2,500.00 = \$4,000.00

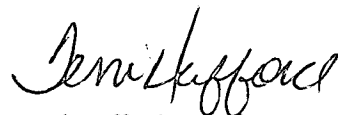
Fee Amount Due

1.6 x \$75.00 = \$120.00 Acreage Fee

Total: \$120.00

If you have any questions concerning this billing, please contact me at (614) 265-6640

Sincerely,



Terri Hufford, Bonding Manager
Division Mines and Reclamation

cc: DMR Permitting
File

The Ohio Valley Coal Company

62955

INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT	NET AMOUNT
ACREAGE FEE 1BR	07/28/99	120.00	120.00	.00	120.00
				Check Total	120.00

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING



The Ohio Valley Coal Company

153 Highway 7 South
Powhatan Point Ohio 43942

Fifth Third Bank of Southern Ohio
Hillsboro, Ohio

56-733
422

DATE	CHECK NO.	VENDOR NO.
07/28/99	62955	000000010057

ONE HUNDRED TWENTY AND 00/100 DOLLARS

AMOUNT
\$120.00

PAY
TO THE
ORDER
OF

TREASURER, STATE OF OHIO REC
ODNR, DIVISION OF RECLAMATION
1855 FOUNTAIN SQUARE
COLUMBUS OH 43224-1387

Invoice # 95

Robert E. Murray

Robert E. Murray, President

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

0062955 042207735 733 51717

TOVCC 18401

For internal administrative purposes only:

This bond is submitted for the following purpose:
(check one and complete blank(s))

- () The permit issued upon Application No. _____
(XX) Coal Mining and Reclamation Permit No. _____
(Includes IBR's and additional bond) D-0360
() Adjacent Area Application No. _____

This designation will not change or release the
surety's obligation on bond owing under Chapter 1513.

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION
SURETY BOND NO. SUR005269

KNOW ALL MEN BY THESE PRESENTS, That the undersigned

Ohio Valley Coal Company, 56854 Pleasant Ridge Road, Alledonia, OH 43902
(Name of Permittee or Applicant) (Address)

as principal, and Lincoln General Insurance Company

of 3350 Whiteford Road, York, PA 17402

as surety, are held and firmly bound unto the State of Ohio and the
United States of America in the penal sum of _____
Four Thousand and no/100-----

(\$4,000.00-----) for the payment of which sum well and truly to be
made, we hereby jointly and severally bind ourselves, our heirs,
administrators, executors, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATIONS IS SUCH, that the above named
principal shall faithfully comply with all requirements of Chapter 1513
of the Ohio Revised Code, rules adopted thereunder, and the permit
issued pursuant thereto.

THIS OBLIGATION IS NOT CANCELABLE BY THE SURETY AT ANY TIME FOR ANY
REASON INCLUDING, BUT NOT LIMITED TO, NONPAYMENT OF PREMIUM OR
BANKRUPTCY OF THE PRINCIPAL. The surety will give prompt notice to the
principal and TO the chief of the Division of Reclamation and to the
Office of Surface Mining Reclamation and Enforcement of any notice
received or action filed alleging the insolvency or bankruptcy of the
surety, or alleging any violations of regulatory requirements which
could result in suspension or revocation of the surety's license to do
business. In the event the surety becomes unable to fulfill its
obligations under the bond for any reason, notice shall be given
immediately to the principal and to the chief of the Division of
Reclamation and to the Office of Surface Mining Reclamation and
Enforcement.

Now if said principal shall satisfactorily reclaim all lands affected by mining by said principal in the State of Ohio under a mining permit issued pursuant to the Chapter 1513 of the Ohio Revised Code and faithfully perform all of the requirements of Chapter 1513 of the Revised Code, rules promulgated thereunder, and the permit issued pursuant thereto, then this obligation shall be void, otherwise it shall remain in full force and effect.

Principal Ohio Valley Coal Company

8/2/99

Date

By:

Robert E. Murray

Robert E. Murray

President and Chief Executive Officer
(Official Position)

Surety

Lincoln General Insurance Company

7/26/99

Date

By:

Karen Williams

Karen Williams, Attorney-in-Fact

Certificate of Surety

The undersigned authorized representative of the surety hereby certifies that the penal sum of the above bond is not in excess of ten percent of the surety company's capital surplus account, and that the sum of such bond and all other surety bonds issued by the surety company on any and all the permits of the principal are not in excess of thirty percent of the surety company's capital surplus account.

Surety

Lincoln General Insurance Company

7/26/99

Date

By:

Karen Williams

Karen Williams, Attorney-in-Fact

Power of Attorney

When one signs by virtue of Power of Attorney for a surety company, such Power of Attorney must be filed with the bond. Where the Power of Attorney indicates that the person signing for the surety company is not an Ohio resident then the Ohio resident agent must countersign the bond.

COUNTERSIGNATURE
(If Applicable)

Richard P. Steele
(Ohio Resident Agent)

Richard P. Steele

107 Plaza Drive, St. Clairsville, OH 43950

(Address)

(Zip Code)

When this bond is replaced either in part or in its entirety, the above bonding company shall be notified at the following address:

Name: Lincoln General Insurance Company

Address: 3350 Whiteford Road

York, PA 17402



Phone 717-757-0000

FAX # 717-751-0165

3350 Whiteford Rd., P.O. Box 3709, York, PA 17402-0136

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Lincoln General Insurance Company, organized and existing by virtue of the Laws of the Commonwealth of Pennsylvania does hereby nominate, constitute and appoint:

**Roger Reschini, Daniel Jack, Colleen M. Mazey and Karen Williams
of Indiana, in the State of Pennsylvania,**

its true and lawful attorney(s)-in-fact to make, execute, attest, seal and deliver for and on its behalf, as surety, and as its act and deed, where required, any and all bonds, undertakings, recognizances and written obligations in the nature thereof for an amount not to exceed **TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00).**

Such bonds and undertakings, when duly executed by the aforesaid Attorney(s)-in-fact shall be binding upon the said Company as fully and to the same extent as if such bonds and undertakings were signed by the President and Secretary of the Company and sealed with its corporate seal. This Power of Attorney is granted and is signed by the authority of the following Resolution adopted by the Board of Directors of the Company on the 6th day of February, 1991.

"Resolution that the President, or any Vice President, in conjunction with any Secretary or Assistant Secretary, be and they are hereby authorized and empowered to appoint Attorneys-in-Fact of the Company in its name and as its acts to execute and acknowledge for and on its behalf as Surety any and all Bonds, recognizances, contract of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by any of said Attorney-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons."

IN WITNESS WHEREOF, Lincoln General Insurance Company has caused its corporate seal to be affixed, and these presents to be signed by its duly authorized officers this 20th day of May, 1999.

Attest:


Gary Cindorff, Secretary

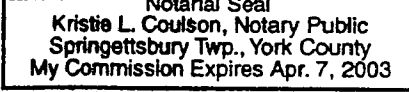
By:


William G. Star, President

The Commonwealth of Pennsylvania
York County

On this 20th day of May, 1999, before me personally came William G. Star to me known, who being duly sworn, did depose and say: that he is President of the Corporation described in and which executed the above instrument: that he knows the seal affixed to the aforesaid instrument is such corporate seal and was affixed thereto by order and authority of the Board of Directors of said Company; and that he executed the said instrument by like order and authority and the same was his free act and deed.

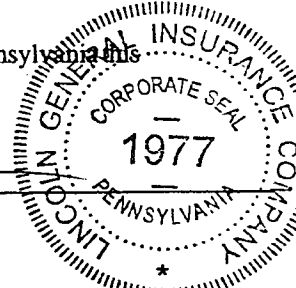
The Commonwealth of Pennsylvania
York County


Kristie L. Coulson, Notary Public
Springettsbury Twp., York County
My Commission Expires Apr. 7, 2003
Member, Pennsylvania Association of Notaries


Notary Public

I, Gary Cindorff, Secretary of Lincoln General Insurance Company, a corporation of the Commonwealth of Pennsylvania do hereby certify that the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

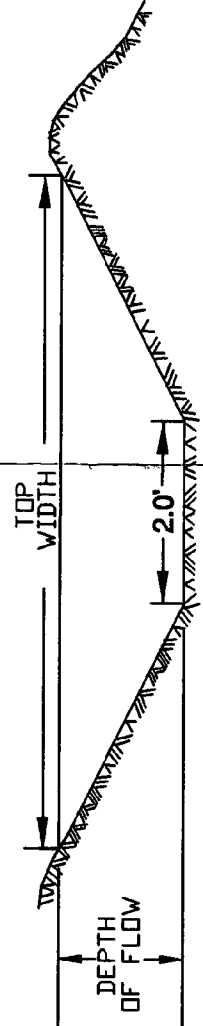
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company, at Indiana, Pennsylvania this
26th day of July, 1999.


Gary Cindorff, Secretary

TOVCC 18404

OVERLAND FLOW DIVERSION DITCHES

DIVERSION DITCH #	DIVERSION DITCH LENGTH	DRAINAGE AREA (ACRES)	STORM DESIGN	DESIGN cfs	SLOPE	SIDE SLOPES	DEPTH OF FLOW (MAXIMUM)	TOP WIDTH	VELOCITY FT/SEC (MAXIMUM)	BOTTOM WIDTH
DD-1	645'	6.4	2YR/6HR	5.7	MIN:8% MAX:16%	3:1	0.9'	7.4'	4.7	2.0'
DD-2	600'	1.8	2YR/6HR	1.6	MIN:7% MAX:18%	3:1	0.6'	5.6'	2.7	2.0'



TRAPEZOIDAL
VEGETATED CHANNEL

OPERATOR

RECEIVED

JUN 22 1999

DIVISION OF MINES
AND RECLAMATION
CAMBRIDGE

NOTES:

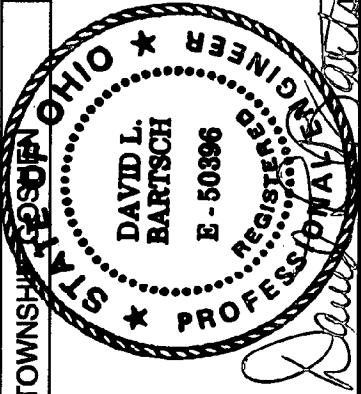
- (1) COMPUTER PROGRAM USED: SEDCAD+
CURVE NUMBER: 80
RAINFALL 2YR/6HR: 1.9"
- (2) DIVERSIONS WILL BE STABILIZED WITH
RIPRAP AT ANY TRANSITION ZONES WHERE
VELOCITIES EXCEED THE LIMITING VELOCITY.

ADDENDUM TO I.B.R. PERMIT D-0360
THE OHIO VALLEY COAL COMPANY

DIVERSION DITCH DESIGN COMPUTATION SHEET

SECTION: 5 TOWNSHIP: 7 RANGE: 5

TOWNSHIP: BELMONT COUNTY: BELMONT



JUL 8 1999

OPERATOR

APPLICATION FOR
INCIDENTAL BOUNDARY REVISION (IBR)

27 WEST BLEEDER SHAFT SITE
THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT D-0360

THE OHIO VALLEY COAL COMPANY
56854 Pleasant Ridge Road
Alledonia, OH 43950
(740) 926-1351

Contact Person: David Bartsch

RECEIVED

JUN 22 1999

DIVISION OF MINES
AND RECLAMATION
CAMBRIDGE

Form/IBR
6/83

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATION
1855 Fountain Square Court
Columbus, Ohio 43224

APPLICATION FOR AN INCIDENTAL BOUNDARY REVISION
This Form Cannot Be Utilized For The Removal of Coal
(File in Quadruplicate)

1. Permittee's Name The Ohio Valley Coal Company Phone # 740-926-1351
2. Address 56854 Pleasant Ridge Road Zip Code 43902
Alledonia, OH
3. Coal Mining Permit # D-0360
4. Additional Acres to be permitted 1.6
5. Has this acreage been affected? Yes , No X
6. Describe the reason this additional acreage is required.
This acreage is needed to install a ventilation shaft
7. Describe the activities to be conducted on this area.
Construction of an air shaft and substation and operation of a fan
8. Is the information contained in the previously approved permit application applicable to this revised area? Yes X, No .

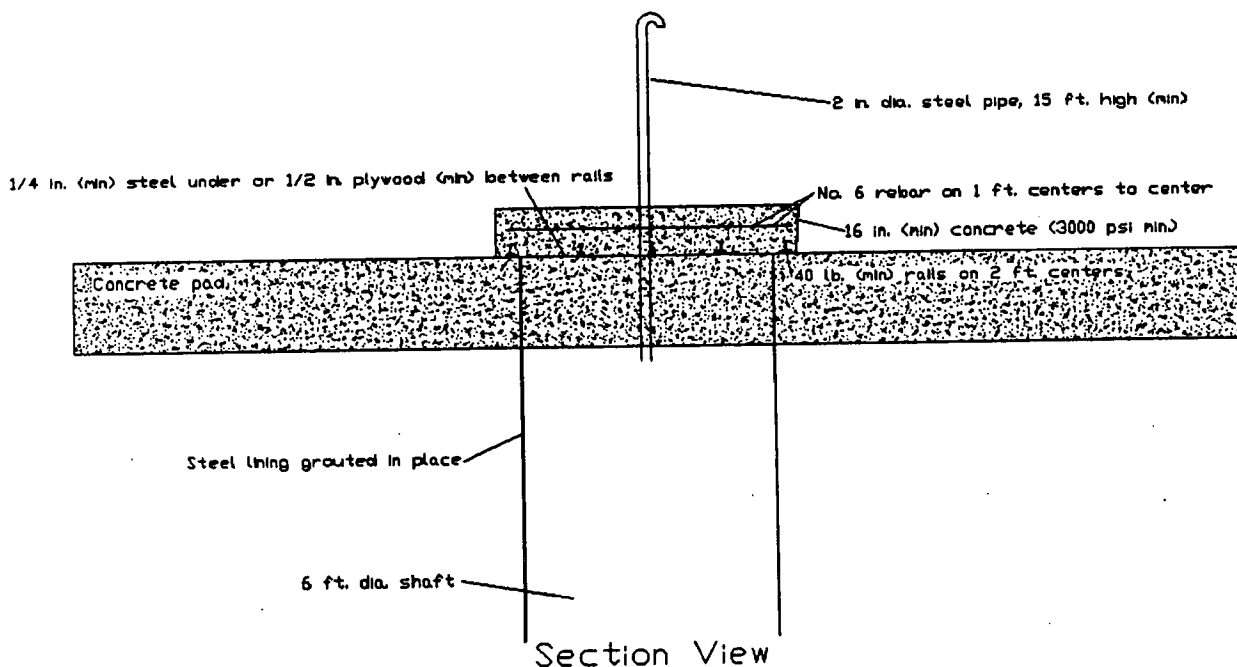
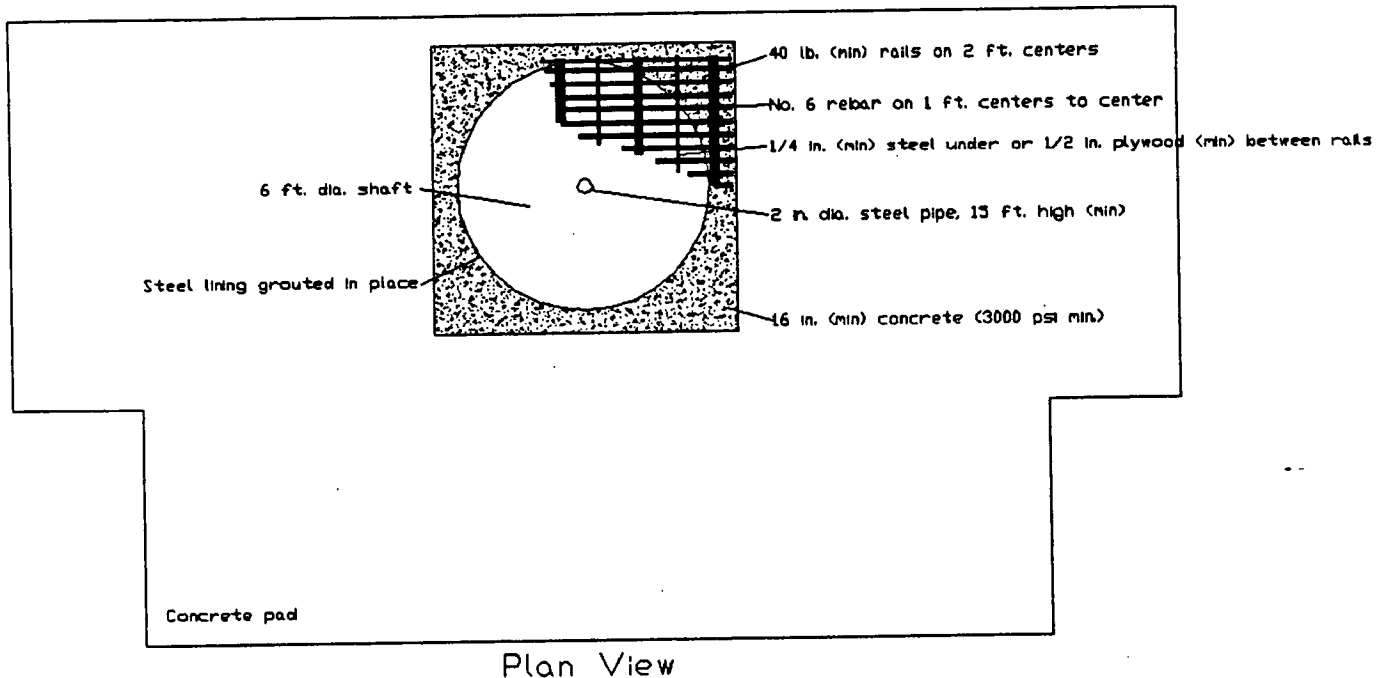
If "no", describe any changes to the previously approved permit application that will apply to this revised area.

(continued on reverse side)

Sump Design

All surface runoff from the site will be directed through sumps on site. These sumps will be approximately 10 ft x 15 ft x 5 ft deep for a volume of 750 cubic ft each. A large sump to settle the shaft cuttings will be 120 ft x 40 ft x 5 ft for a volume of 24,000 cubic ft. Together, these sumps provide adequate volume for the 1.6 acre site and to meet the Division's requirements. The water will flow from one sump to the next with the final sump in series having a hay bale dike placed in such a manner that the overflow from this final sump will have to pass through the dike before leaving the site. Sumps will be cleaned prior to reaching 60 percent of their design capacity. **Sump Design:** Sumps will be rectangular shaped with rectangular bottoms and sides on a 2H:1V slope.

The Ohio Valley Coal Company
 Powhatan No. 6 Mine - Permit D-0360
 Proposed Seal - **27 West** Bleeder Shaft.
 (not to scale)



AFFIDAVIT

State of Ohio, BELMONT County, ss. DAVE L. BARTSCH
being first duly sworn, says that the following described
documents convey to the applicant the legal right explained below
and is a subject of litigation as shown below.

Type of document Easement, Right-of-Entry and Agreement

Execution Date 10 May, 1999

Expiration Date n/a

Parties: From Robert and Betty Kemp
To THE OHIO VALLEY COAL COMPANY

Description of land: Number of Acres APPROXIMATELY 1.6

County BELMONT, Township Goshen

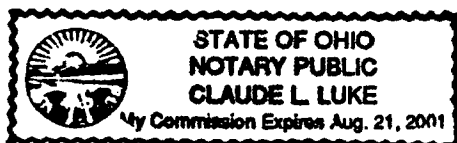
Sections 5, Lots _____

Explanation of legal rights claimed RIGHT TO ENTER,
CONSTRUCT, AND MAINTAIN AN AIR SHAFT, ETC.

Pending litigation _____ Yes, X No.

David L. Bartsch 6-21-99
Signature of Affiant Date
Environmental Coordinator
Position

Sworn to before me and subscribed in my presence this
21ST day of JUNE, 19 99.



Claude L. Luke
Notary Public

12/95

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION

ATTACHMENT 8
(SURFACE OWNERS' CONSENTS)

Applicant's Name The Ohio Valley Coal Company

This attachment may be completed and submitted with the permit application if the response to item C.(2) in Part 1 of the permit application is "yes."

I (We) the undersigned, hereby consent to the proposed surface mining of coal by the above named applicant on the lands described below on which I (We) are the legal surface owner(s) of record. **Surface mining will consist of placement of an air shaft and substation only, No coal removal is planned. There will not be any surface mining.**

Owner's name Robert and Betty Kemp

Owner's Signature Robert Kemp Betty Kemp Date 5-25-99

County Belmont Township Goshen

Sections 5 Lots _____ Acres _____

Owner's name _____

Owner's Signature _____ Date _____

County _____ Township _____

Sections _____ Lots _____ Acres _____

Owner's name _____

Owner's Signature _____ Date _____

County _____ Township _____

Sections _____ Lots _____ Acres _____

Owner's name _____

Owner's Signature _____ Date _____

County _____ Township _____

Sections _____ Lots _____ Acres _____

12/95

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION

**ATTACHMENT 4
(ADJACENT OWNERS)**

Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the response to item C.(5) in Part 1 of the permit application is "yes."

Name of owner Floyd and Shirley Simpson/Country Mile Farm

Address 44680 Belmont-Centerville Road

City Belmont State OH Zip 43718

 X Surface, Mineral

Name of owner Roy Swallie

Address 43999 Belmont-Centerville Road

City Belmont State OH Zip 43718

 X Surface, Mineral

Name of owner The Ohio Valley Coal Company

Address 56854 Pleasant Ridge Road

City Alliedonia State OH Zip 43902

 Surface, X Mineral

Name of owner _____

Address _____

City _____ State _____ Zip _____

Surface, _____ Mineral

TOVCC 18413

Land Use Statement

I, the undersigned, state that the pre-mining land use for this property is for crop-land. I agree that the post-mining land use will be returned to crop-land.

Roberto Hernandez, Betty J. Kemp
Signature

7-21-99
Date

Planting Plan

Prior to use for an air shaft site, the area was used for production of hay. A seed mix known as hay and pasture was used. It is available at local vendors. Prior to seeding, adequate fertilizer and lime will be applied and the seed will be mulched with hay. Fertilizer, lime and mulch will be applied in accordance with the seed supplier's recommendations.

Seed mixture and application rates will be as follows:

45 Percent - Vernal Alfalfa

40 Percent - Medium Red Clover

10 Percent - Climax Timothy

5 Percent - Alsike Clover

The recommended application rate is 20 lb per acre.

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATIONATTACHMENT 16
(NEGATIVE DETERMINATION OF PRIME FARMLAND)Applicant's Name THE OHIO VALLEY COAL COMPANY

This attachment is to be completed and submitted with the permit application if the applicant is demonstrating that the permit area or a portion of the permit area is not prime farmland. Check (X) the appropriate item numbers and attach the documents used to make the demonstration.

- ☐ 1. Lands within the proposed permit area have not been historically used for cropland.
- ☐ 2. The slope of the land within the proposed area is greater than eight percent.
- ☒ 3. On the basis of a second order soil survey meeting the standards of the National Cooperative Soil Survey, there are no soil map units within the proposed permit area that have been designated prime farmland by the U.S. Soil Conservation Service.
- ☐ 4. On the basis of a first order soil survey commissioned by the applicant and meeting the standard of the National Cooperative Soil Survey, there were found to be no prime farmland map units as designated by the S.C.S. within the proposed permit area (see Attachment 15, item 2 for 1st order survey criteria).

Certification of Prime/Nonprime Farmland

Name of Mine Operator The Ohio Valley Coal Co

Location of Permit Application Area Section 5, Goshen Twp Belmont Co

Size of Permit Area (Acres) 2 ac

Check Appropriate Block:

1.



I have determined that this permit application DOES NOT contain prime farmland in accordance with the edition of the current county Prime Farmland Map Unit List found in the county Field Office Technical Guide.

2.



I have found that this permit application CONTAINS prime farmland in accordance with the edition of the Prime Farmland Map Units for Ohio and/or the current county Prime Farmland Map Unit List, whichever is more current.

A soil map has been attached and prime units are as follows:

Soil Map Symbol

Map Unit Name


Signature

James W Forshey

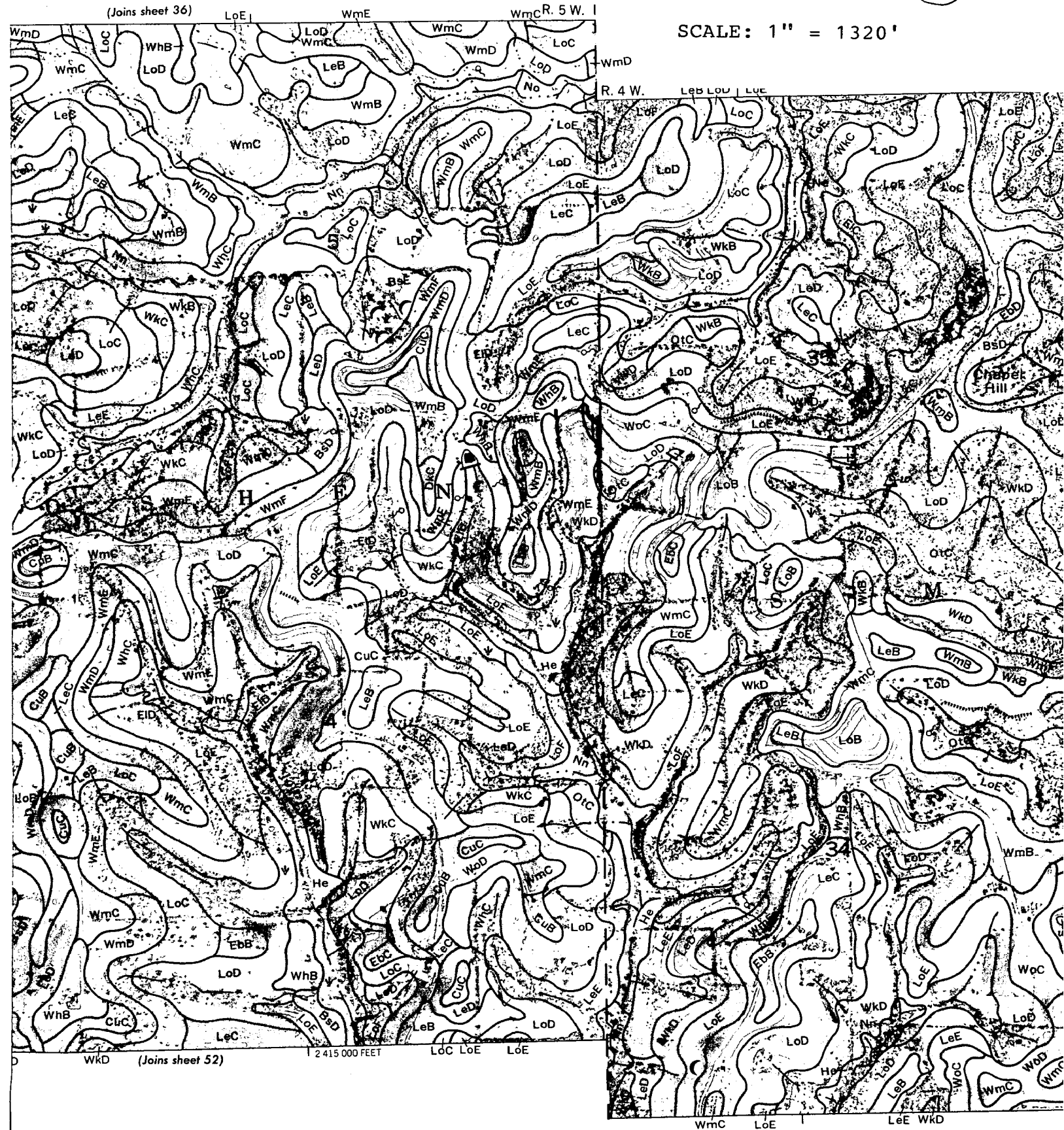
6/10/99

Jim Forshey, Natural Resources Conservation Service
1119 East Main St., Barnesville, OH 43713, (614) 425-1100

REQUESTED AREA - 

PRIME FARMLAND - 

SCALE: 1" = 1320'





June 15, 1999

Mr. Russ Scholl, Acting Chief
Division of Mines and Reclamation
Ohio Department of Natural Resources
8505 Georgetown Road
Cambridge, OH 43725

Attn: Mr. Tom Pulay, Reclamation Inspector

Dear Mr. Pulay:

The Ohio Valley Coal Company respectfully requests a small area drainage exemption for the enclosed Incidental Boundary Revision (IBR) pursuant to OAC 1501:13-9-04 B(3). An area of 1.6 acres will be developed for an air shaft. The shaft will be located in Belmont County, Goshen Township, Section 5.

RSS per
Tom Pulay
7-27-99

The area will be covered with a durable, non-erodible surface and the drainage will be controlled with the use of construction sumps as shown on the IBR map. In addition, hay bale dikes and silt fence will be used. The silt fence will be placed to prevent sediment from entering any streams. The silt fence will be removed after construction is completed and the area has been covered in rock and soil areas are seeded. The fresh water from off-site will be diverted around the site with the use of ditches as shown on the attached drawings.

Any discharge from this site, including discharge from the sumps, will meet effluent limitations. If you have any questions, please contact me.

APPROVED <input checked="" type="checkbox"/>
DIST. BY <input type="checkbox"/>
DATE <u>8-13-99</u>
SIGNED <u>[Signature]</u> Act. Chief

Sincerely,
THE OHIO VALLEY COAL COMPANY

[Signature]

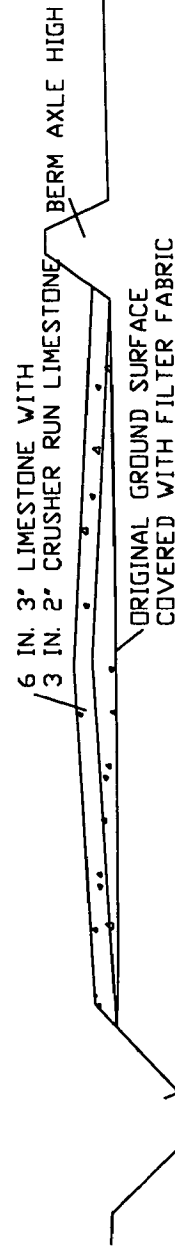
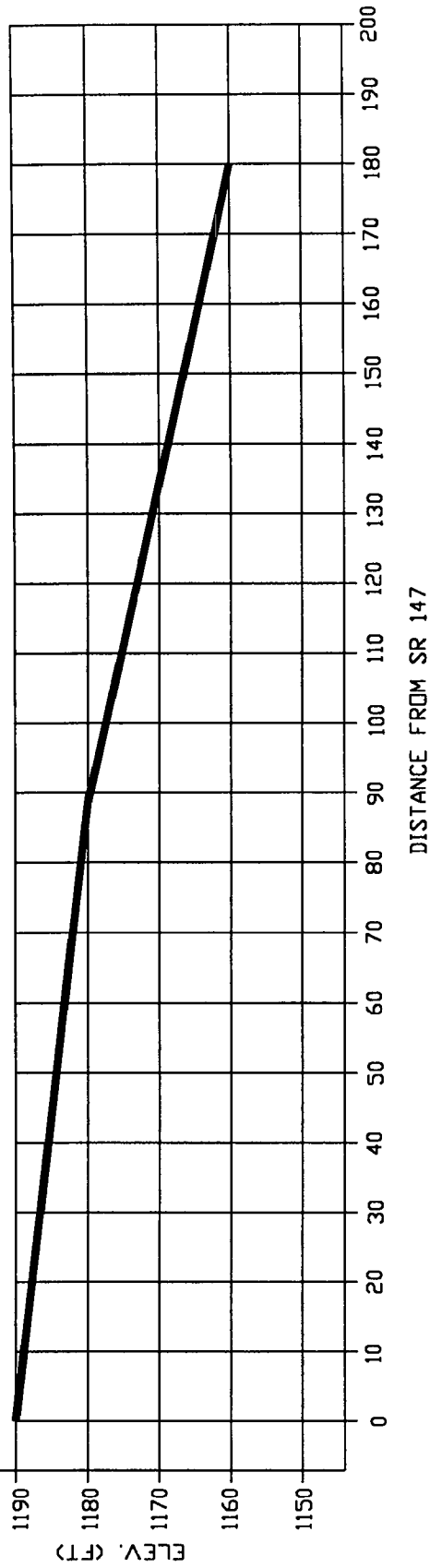
David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: File

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(740) 926-1351 • FAX (740) 926-1615

TOVCC 18419

ROAD PROFILE

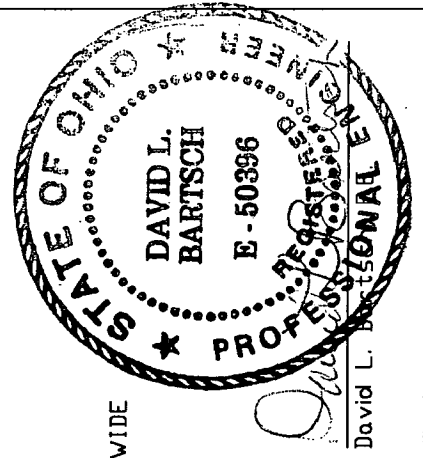


ROAD
DITCH
SIDE SLOPES: 2H:1V
2 FT WIDE AT BOTTOM

ROAD SURFACE TO BE NOMINALLY 12 FT WIDE

THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT D-0360

ROAD DESIGN



Sump Design

All surface runoff from the site will be directed through sumps on site. These sumps will be approximately 10 ft x 15 ft x 5 ft deep for a volume of 750 cubic ft each. A large sump to settle the shaft cuttings will be 120 ft x 40 ft x 5 ft for a volume of 24,000 cubic ft. Together, these sumps provide adequate volume for the 1.6 acre site and to meet the Division's requirements. The water will flow from one sump to the next with the final sump in series having a hay bale dike placed in such a manner that the overflow from this final sump will have to pass through the dike before leaving the site. Sumps will be cleaned prior to reaching 60 percent of their design capacity. **Sump Design:** Sumps will be rectangular shaped with rectangular bottoms and sides on a 2H:1V slope.

FAX TRANSMISSION

THE OHIO VALLEY COAL COMPANY

56854 PLEASANT RIDGE ROAD

ALLEDONIA, OHIO 43902

(740) 926-1351

FAX: (740) 926-9112

To: *PAM SWEITZER*

Date: *8/13/99*

Fax #:

Pages: *4* , including this cover sheet.

From: *DAVE BARTSCH*

Subject:

COMMENTS:

Property Owner's Name ROBT + BETTY KEMP (LEASE TO OVCC)
Mailing Address 43828 BELMONT-CENTERVILLE RD; BELMONT OH 43718
OVCC - 52854 PLEASANT RIDGE RD; ALLEDONIA, OH 43902
Telephone Number 740-686-2023
OVCC 740-926-1351

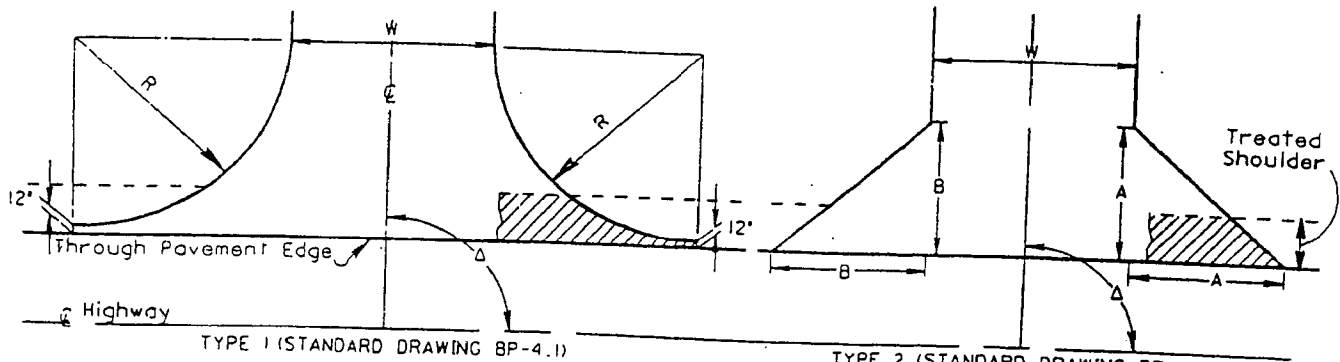
DRIVEWAY/HAUL ROAD PERMIT CHECKLIST

1. TYPE OF DRIVEWAY: Residential _____ Commercial ☒ Field _____
2. EXACT LOCATION (tie in to ^{main} Twp. or Co. Road using miles and/or feet - center of driveway to center of intersection): 350 FT WEST OF TWP RD 226A
3. SIGHT DISTANCE (Looking North & South or East & West): _____
4. PROPOSED DRIVEWAY TO BE ON WHICH SIDE OF STATE HIGHWAY?
North _____ South ☒ East _____ West _____
5. RADII OR FLARES OF DRIVE: 20'
6. WIDTH OF ENTIRE ENTRANCE (Minimum of 50' - 52'): 52'
7. WIDTH OF STEM OF DRIVE (10' - 12' Standard): 12'
8. PROFILE OF DRIVE (1"/ft. away from E/P): 12' E/P
9. TYPE & THICKNESS OF SURFACE (Blacktop, concrete, limestone, aggregate, B.B.): 9"
AGGREGATE - LIMESTONE

PIPE INSTALLATION INFORMATION

1. SIZE OF PIPE (12" diameter minimum): _____
2. TYPE OF PIPE (Reinforced Concrete, Corrugated Metal, Vitrified Clay, Plastic, Etc.): _____
3. DISTANCE FROM E/P TO DITCH LINE: _____
4. LENGTH OF PIPE: _____
5. DIRECTION OF FLOW IN EXISTING DITCH: North _____ South _____ East _____ West _____
6. DEPTH OF DITCH: _____

* UNCURBED DRIVEWAY ALONG UNCURBED HIGHWAY

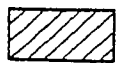


W = 35 ft. Maximum
R = 25 ft. Minimum on Uncurbed Highway
15 ft. Minimum on Curbed Highway
T = Taper Curb Height from 6 in. to 2 in.
in. 4 ft.
 Δ = 70° to 90° (two-way operation)

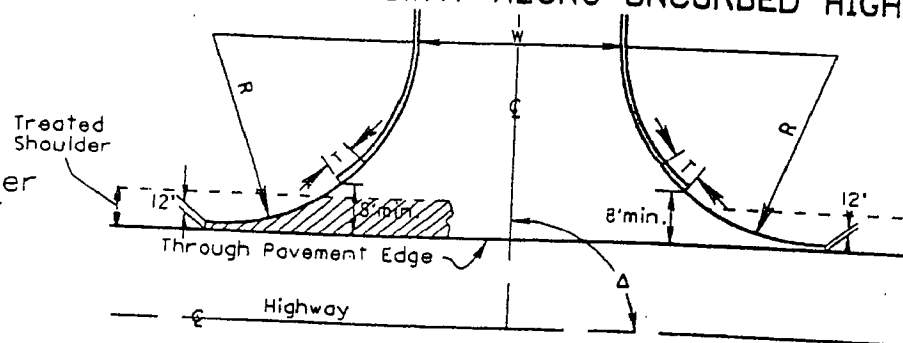
TYPE 2 (STANDARD DRAWING BP-4.1)

Δ	A	B
85° to 90°	20'	20'
75° to 85°	25'	16'
65° to 75°	28'	13'
55° to 65°	33'	12'

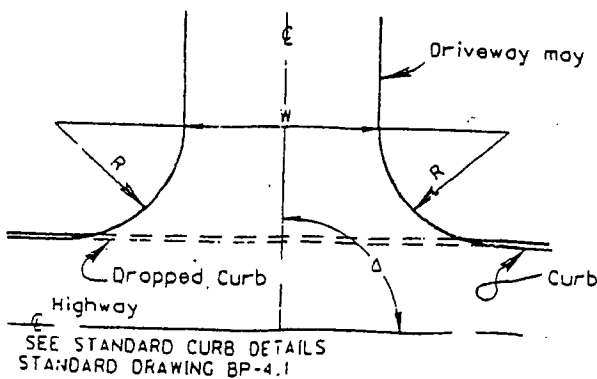
CURBED DRIVEWAY ALONG UNCURBED HIGHWAY



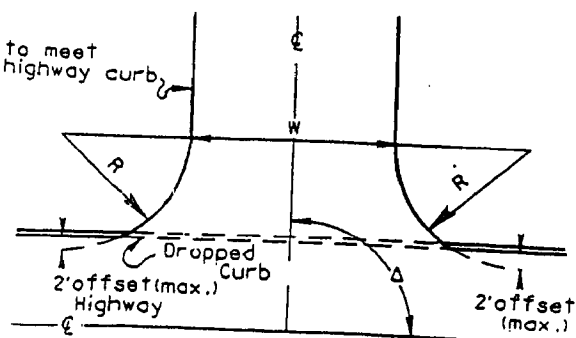
- Do not replace treated shoulder in this portion of drive flare if shoulder has equal or better pavement buildup.



CURBED OR UNCURBED DRIVEWAYS ALONG CURBED HIGHWAY



SEE STANDARD CURB DETAILS
STANDARD DRAWING BP-4.1



ALTERNATE DESIGN
To be used when smaller curb opening is required.
(or curb and gutter used)

Standard Driveway Pavement Designs

That portion of your new driveway or modified driveway, which is inside the highway right-of-way, is to be paved with one of the following pavement designs. If your driveway is a residential driveway, choose one of the pavement designs in the **Residential Driveway** box. If your driveway is a commercial driveway, choose one of the pavement designs in the **Commercial Driveway** box.

Residential Driveway		
Choose One		
6"	452	Plain Portland Cement Concrete Pavement
<hr/>		
2"	404	Asphalt Concrete
6"	304	Aggregate Base
<hr/>		
1.75"	404	Asphalt Concrete
3.75"	301	Bituminous Aggregate Base
<hr/>		
8"	304	Aggregate Base

Commercial Driveway		
Choose One		
8"	452	Plain Portland Cement Concrete Pavement
<hr/>		
1.25"	404	Asphalt Concrete
1.75"	402	Aggregate Base
	408	Prime Coat
<hr/>		
8" 304 Aggregate Base		
<hr/>		
WE WILL USE THIS		
1.25"	404	Asphalt Concrete
4.75"	301	Bituminous Aggregate



Fax Transmission

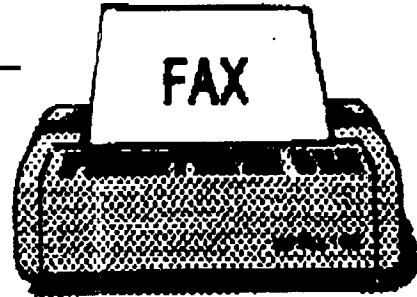
OHIO DEPARTMENT OF TRANSPORTATION DISTRICT 11

2201 Reiser Avenue S.E.
New Philadelphia, Ohio 44663
Phone: (330) 339-6633
Fax: (330) 308-~~4245~~ 3907

To: Permit Office

From: Pamela Switzer

Date: 8-13-99



Subject: Checklist Request

Pages: F 2
(Including this sheet)

Comments: I'm sorry I "hit" you with
my checklist request this A.M.
We need one completed for our
files and for county personnel.
Thanks for your cooperation.
Have a fun-filled weekend!

Property Owner's Name _____
Mailing Address _____
Telephone Number _____

DRIVEWAY/HAUL ROAD PERMIT CHECKLIST

1. TYPE OF DRIVEWAY: Residential _____ Commercial _____ Field _____
2. EXACT LOCATION (tie in to Twp. or Co. Road using miles and/or feet - center of driveway to center of intersection): _____

3. SIGHT DISTANCE (Looking North & South or East & West): _____

4. PROPOSED DRIVEWAY TO BE ON WHICH SIDE OF STATE HIGHWAY?
North _____ South _____ East _____ West _____
5. RADII OR FLARES OF DRIVE: _____
6. WIDTH OF ENTIRE ENTRANCE (Minimum of 50' - 52'): _____
7. WIDTH OF STEM OF DRIVE (10' - 12' Standard): _____
8. PROFILE OF DRIVE (1"/ft. away from E/P): _____
9. TYPE & THICKNESS OF SURFACE (Blacktop, concrete, limestone, aggregate, B.B): _____

PIPE INSTALLATION INFORMATION

1. SIZE OF PIPE (12" diameter minimum): _____
2. TYPE OF PIPE (Reinforced Concrete, Corrugated Metal, Vitrified Clay, Plastic, Etc.): _____

3. DISTANCE FROM E/P TO DITCH LINE: _____
4. LENGTH OF PIPE: _____
5. DIRECTION OF FLOW IN EXISTING DITCH: North _____ South _____ East _____ West _____
6. DEPTH OF DITCH: _____

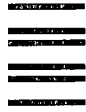
Is your RETURN ADDRESS completed on the reverse side?

SENDER: <input type="checkbox"/> Complete items 1 and/or 2 for additional services. <input type="checkbox"/> Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: <i>Olivia Dept. of Natural Resources Division of Mice & Reclamation Fountain Square, H-3 Columbus, Ok 43224</i>		4a. Article Number <i>P 063 332 423</i>	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
5. Received By: (Print Name)		7. Date of Delivery	
6. Signature: (Addressee or Agent) <i>[Signature]</i>		8. Addressee's Address (Only if requested and fee is paid) <i>[Address]</i>	

Thank you for using Return Receipt Service.

NO FORM 3841-1 November 1991 PSN Domestic Return Receipt

UNITED STATES POSTAL SERVICE

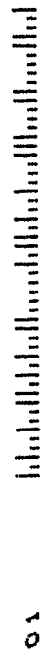


Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

THE OHIO VALLEY COAL CO
56854 PLEASANT RIDGE RD.
ALLEDONIA, OHIO 43902

Baetsch



P 063 332 423

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Ohio Dept. Natural Resources	
Street & Number	
Fountain Square, H-3	
Post Office, State, & ZIP Code	
Columbus, OH 43224	
Postage	\$.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	1.25
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	
APR 1995	

PS Form 3800, April 1995

TOVCC 18430

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

EASEMENT, RIGHT OF ENTRY AND AGREEMENT

WHEREAS, ROBERT E. KEMP and BETTY J. KEMP, Husband and Wife, whose address is 43828 Belmont-Centerville Road, Belmont, Ohio, 43718, are the owners in fee simple absolute of the real property described herein and hereafter referred to as LANDOWNERS; and,

WHEREAS, THE OHIO VALLEY COAL COMPANY, an Ohio corporation, whose address is 56854 Pleasant Ridge Road, Alledonia, Ohio, 43902, hereafter referred to as COMPANY, wish to enter into the Easement, Right of Entry and Agreement contained hereinafter; and,

WHEREAS, COMPANY wishes to place in, upon, through and under the lands of LANDOWNERS a ventilation bleeder shaft, fan, and electric power transmission line together with rights-of-way for ingress and egress thereto; and,

WHEREAS, LANDOWNERS are agreeable to the placement of said ventilation bleeder shaft, fan, and electric power transmission line on, over, through and across their premises, pursuant to the terms and conditions of this Agreement,

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. That COMPANY, its successors, assigns, employees, agents and contractors shall be granted an easement and right of way with the right, privilege and authority to construct, erect, operate, maintain, repair, alter, and replace a ventilation bleeder shaft and fan together with an easement and right of way with the right, privilege and authority to construct, erect, operate, maintain, repair, alter, replace, relocate and remove an electric power transmission line, said easement for the electric power transmission line to be one hundred (100) feet wide being fifty (50) feet on each side of the centerline, along with an access road for ingress, egress and regress to and from the ventilation bleeder shaft, fan, and electric power transmission line as shown on Exhibit "A" attached hereto and made a part hereof by reference.

In addition, as to the description of the real estate to which said easement pertains, also incorporated herein is Exhibit "B", being a certain Deed from Austin L. Green and Lela M. Green, husband and wife, to Robert E. Kemp and Betty J. Kemp, dated November 30, 1973 which has been recorded in Volume 543, Page 517 of the Belmont County Deed Records and more particularly described as being Tract 1 in said deed.

In addition, COMPANY, its successors and assigns, shall have the right to place, erect, maintain, inspect, add to the number of, and relocate at will poles, crossarms or fixtures, and string wires and cables, adding thereto from time to time, across through or over said premises.

In addition, COMPANY, its successors and assigns, shall have the right to cut and, at its option, remove from said easement any trees, overhanging branches or other obstructions which may endanger the safety or interfere with the use of said poles or fixtures or wires attached thereto or to any structures on said premises.

In addition, said easement for a ventilation bleeder shaft, fan, and electric power transmission line, plus right of ingress, egress and regress to said site, all as is shown on Exhibit "A" attached hereto, is hereby granted to COMPANY, its successors and assigns, for as long as the same is necessary, in the opinion of COMPANY, its successors and assigns, for the operation of its coal mining operations. COMPANY, for the granting of said easement, shall compensate LANDOWNERS, their heirs and assigns, the sum of Four Thousand Dollars (\$4,000.00) per year for the term of said easement. The payment of Twenty Thousand (\$20,000.00) which represents a lump sum payment for the first five (5) years of this Agreement shall be paid by COMPANY to LANDOWNERS upon the signing of this Agreement. Beginning with the sixth year of this Agreement, annual payments of Four Thousand Dollars (\$4,000.00) per year shall commence and shall be paid by COMPANY to LANDOWNERS.

2. It is further AGREED by and between the parties hereto that any damages caused by entering upon the premises of LANDOWNERS shall be repaired by COMPANY at its cost.

3. It is further AGREED that LANDOWNERS, for themselves, their heirs, executors, personal representatives, administrators, successors and assigns, shall and do hereby release and forever discharge COMPANY, its successors and assigns, from any and all actions, causes of actions, claims, demands and liability for, upon or by reason of any damage or loss which has been or which may be sustained by LANDOWNERS as a result of COMPANY'S exercise of any rights granted herein, except for the damages specifically referred to in Paragraph 2 hereof.

4. It is further AGREED that COMPANY, for itself, its successors and assigns, shall indemnify and save harmless LANDOWNERS against all liability for personal injuries, including death resulting therefrom, and against all liability for personal or property damages incurred by

any third person, firm or entity whatsoever, as a result of COMPANY'S exercise of any of the rights granted herein.

5. It is further AGREED by and between the parties hereto that title to all property placed by COMPANY, or its successors or assigns, in or upon said Premises shall be and shall remain in the name of the COMPANY, or its successors and assigns, and COMPANY, or its nominees, successors and assigns shall have the right to enter in, upon, on and over said lands to remove therefrom any of the property thereon.

6. It is further AGREED that if any survey work is necessary to complete this Agreement, the same shall be done at the cost of COMPANY.

7. It is further AGREED that the provisions contained in the Exhibits hereto, being Exhibits "A", and "B" are hereby incorporated into this Agreement by reference.

8. It is further AGREED that this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, executors, administrators, successors and assigns.

9. This Agreement constitutes the entire agreement between the parties hereto and supersedes all other prior negotiations, undertakings, notices, memoranda and agreements between the parties, whether oral or written, in respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties have set their hands this 10th day of MAY, 1999.

In the presence of:

Thomas E. Murray
Charles L. Lark

In the presence of:

Dennis R. Jackson
Charles L. Lark

LANDOWNERS:

Robert E. Kemp
Robert E. Kemp
Betty J. Kemp
Betty J. Kemp

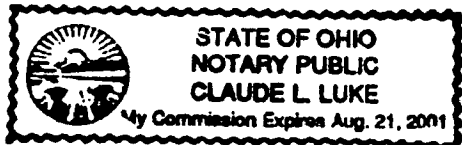
THE OHIO VALLEY COAL COMPANY

BY Robert E. Murray
Robert E. Murray, President and CEO

STATE OF OHIO, COUNTY OF BELMONT, SS:

On this, the 10th day of MAY, 1999, before me, the undersigned authority, a Notary Public in and for the said County and State, personally appeared ROBERT E. KEMP and BETTY J. KEMP, Husband and Wife, who being duly sworn according to law, acknowledge that they signed the foregoing instrument for the purposes therein set forth.

WITNESS my official seal this 10th day of MAY, 1999.



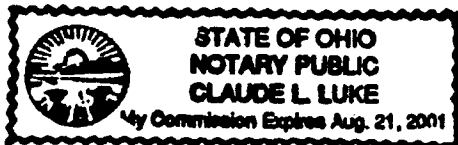
Claude L. Luke
Notary Public

My Commission Expires Aug. 21, 2001.

STATE OF OHIO, COUNTY OF BELMONT, SS:

On this, the 11th day of MAY, 1999, before me, the undersigned authority, a Notary Public in and for the said County and State, personally appeared Robert E. Murray, who acknowledged himself to be the President and Chief Executive Officer of THE OHIO VALLEY COAL COMPANY and that as such being duly authorized to do so, executed the foregoing instrument for the purposes therein set forth.

WITNESS my official seal this 11th day of MAY, 1999.



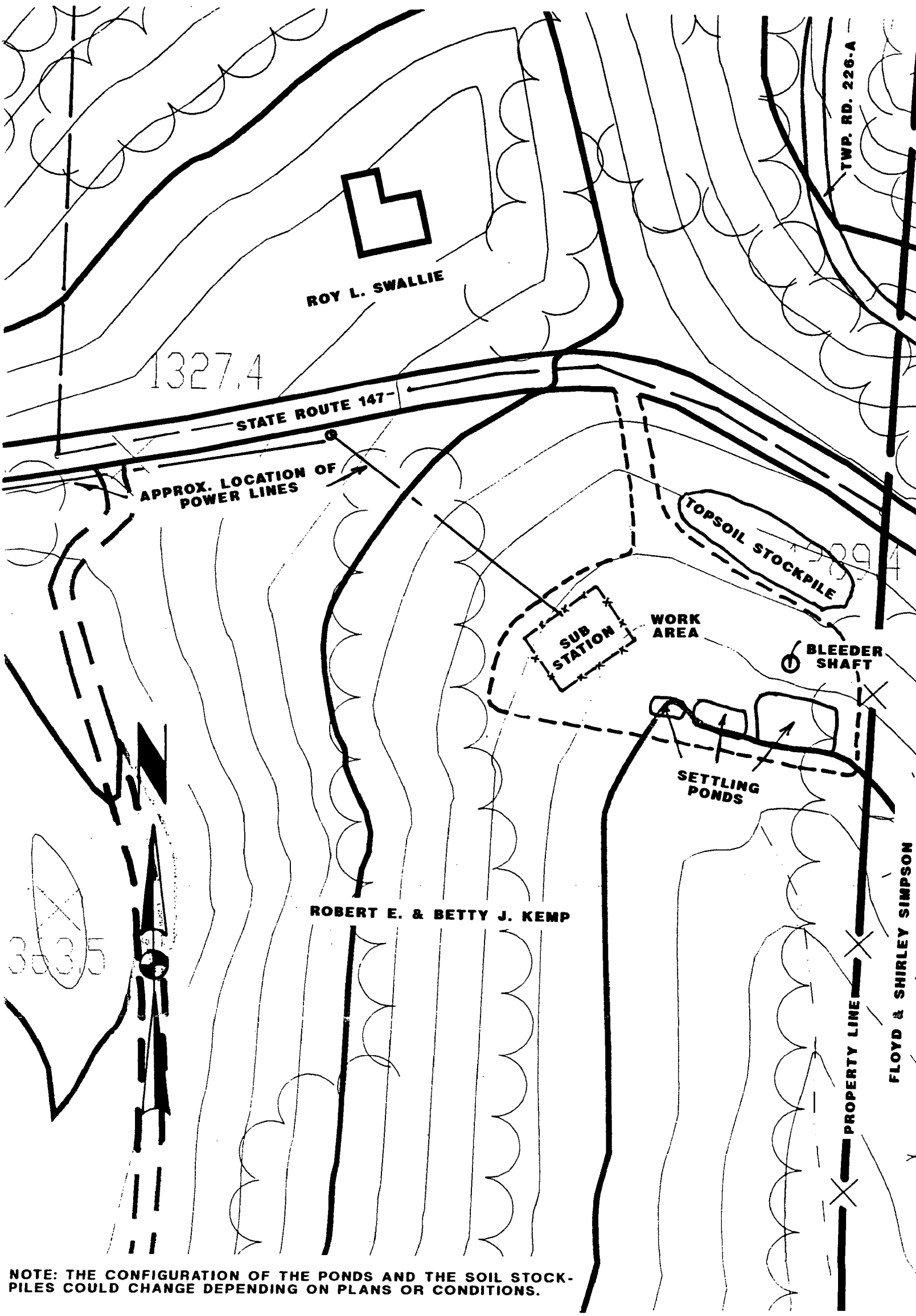
Claude L. Luke
Notary Public

My Commission Expires Aug. 21, 2001.

This instrument prepared by: Elizabeth L. Glick, Attorney at Law, St. Clairsville, OH 43950

lb/ovccwp4/2kemp.esm.

EXHIBIT A



NOTE: THE CONFIGURATION OF THE PONDS AND THE SOIL STOCK-PILES COULD CHANGE DEPENDING ON PLANS OR CONDITIONS.

SCALE 1"= 100'

EXHIBIT B

112943

(VOL 543 PAGE 517

\$5.00 PAID

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we, AUSTIN L. GREEN and LELA M. GREEN, husband and wife, of Route 2, Belmont, Ohio, the Grantors, for the consideration of One Dollar (\$1.00), and other valuable considerations, received to our full satisfaction of E. J. for their joint lives, remainder to the survivor ROBERT KEMP and BETTY KEMP, of Route 2, Belmont, Ohio, the Grantees, do give, grant, bargain, sell and convey unto the said Grantees/ their heirs and assigns, the following described premises, situated in the Township of Goshen, County of Belmont and State of Ohio:

TAX MAP TRANSFER
By C.R.M.

County Eng.
R. J. ROCCA, L.L.A.

TRACT 1: Situated in the Township of Goshen, County of Belmont and State of Ohio, and known as and being a part of the East half of Section 5 in Township 7 and Range 5. Beginning for the same at a stone on the Township line, a corner to James Graham's lands, which stone is 3376 feet North 5 degrees and 2' East of the Southeast corner of said Section; thence with the Township line South 5 degrees 02' W. 3376 feet to a stake, being the south east corner of said Section 5; thence with the south boundary line of said section, North 84 degrees 58' W. 1485 feet to a stone; thence with the said William Davis land North 11° 40' E. 1155.5 feet to a post on the south side of the public road; thence south 84° 58' E. 109 feet to a stone in the road; thence North 8° W. 600.6 feet to a stone; thence North 21° 55' E. 1714 feet to a stone in James Graham's line from which a 10" ironwood bears N. 85° E. 15 feet also a 12" ironwood bears N. 4° 30' E. 27.5 feet, also a 24" white oak bears South 21° 55' W. 27 feet; thence with James Graham's south line South 84° 58' E. 874 feet to the place of beginning, containing 97.238 acres, more or less, according to a survey made by Harry E. Rice, of Barnesville, Ohio, October 30th, 1907.

Excepting therefrom a private roadway. Excepting and reserving the No. 8 or Pittsburgh vein of coal in and underlying above described tract, which exception and reservation together with certain mining rights were made in deed from William Davis and Josephine Davis, his wife, to John I. Davis, deed dated November 14th, 1907, and recorded in Volume 186, Page 398, Deed Records of Belmont County, Ohio.

TRACT 2: Situated in Goshen Township, Belmont County, Ohio, and known as and being part of the Northeast Quarter of Section 4, Township 7, Range 5. Beginning for the same at a stone planted for the southeast corner of said quarter section of the Township line, and 4 feet south of a sugar tree 42" in diameter; thence with the quarter section line N. 84° 59' W. 1380 feet to a stone; thence North 5° 09' E. 1348.5 feet to a stone 5 feet south of a 16" black walnut tree; thence N. 85° W. 219.8 feet to a stone; thence North 4° 34' E. 795.6 feet to a stone; thence South 85° 19' E. 558.7 feet to a stone; thence N. 5° 09' E. 562.8 feet to a stake on the north line of said section; thence with the north line of said section S. 84° 50' E. 1048.1 feet to a stone, the north east corner of said section; thence with the township line, being the east line of said section S. 4° 57' W. 2700.5 to place of beginning, containing 85 acres and 48.48 rods of land, more or less.

Excepting therefrom a private roadway, as excepted in deed recorded in Volume 151, Page 289, Belmont County Record of Deeds.

Excepting and reserving therefrom the Pittsburgh No. 8 vein of coal underlying said premises, with certain mining rights and privileges, as set forth and described in Deed recorded in Volume 181, Page 335, Belmont County Records of Deeds.

Also excepting from said second tract to D.O. Hanes and Ola Hanes, his wife, their heirs, administrators, executors or assigns, the 1/32 part of all oil found on or under said premises. Also excepting and reserving to said D.O. Hanes and Ola Hanes, his wife, the 1/4 of all monzys or its equivalent received by said grantees, their heirs, successors, or assigns, for gas found on or under said premises.

Also excepting the right of way granted to the Ohio Power Company.

Excepting and reserving from the above described premises the following parcel:

Being situated in the Township of Goshen, County of Belmont, State of Ohio and being part of Section 5, Township 7, Range 5, and being more fully described as follows:

Beginning at a R.R. spike in the center of State Route 147 on the east line of Section 5 from which the S.E. corner of of said section bears South 1193.82 feet; thence from said beginning and with the section line North 793.79 feet to an iron pin on the east side of Township Road 226-A; thence S. 74° 14' W. 115.86 feet to an iron pin; thence S. 76° 24' W. 340.89 feet to an iron pin; thence S. 66° 26' W. 170.38 feet to an iron pin; thence S. 59° 33' W. 118.73 feet to an iron pin; thence S. 44° 41' W. 111.80 feet to an iron pin; thence S. 4° 52' E. 412.80 feet to an iron pin on the north side of State Route 147; thence N. 81° 14' E. 395.97 feet to a nail in the center of said road; thence with the center of said road N. 88° 11' E. 90.89 feet to a point; thence S. 71° 21' E. 116.75 feet to a point; thence S. 59° 41' E. 176.26 feet to the place of beginning, containing 10.365 acres and being subject to the legal right of way of State Route 147 and Township Road No. 226-A.
Prior Deed Reference Volume 431, Page 216,
This description prepared from a survey by Russell Neitzelt, Registered No. 5884.

Being the same premises conveyed by Quince A. Duncan, et al., to Austin L Green, et al., by deed dated August 31, 1966, and recorded in Volume 431, Page 216, Deed Records of Belmont County, Ohio.

TRACT 3: Situated in the County of Belmont, in the State of Ohio, and in the Township of Smith, and known as being a part of the Northeast Quarter of Section 35, Township 6, and Range 4, and bounded and described as follows:

Beginning for the same at the northwest corner of said Northwest Quarter and running thence with the section line South 85° East 1753.80 feet; thence South 18° East 376.00 feet; thence South 3° East 563.00 feet; thence South 5° West 701.00 feet; thence South 38° 10' West 700.00 feet; thence North 85° West 781.00 feet; thence South 48° West 66.00 feet; thence South 73° West 376.00 feet; thence South 62° West 370.00 feet; thence South 46° 30' West 100.00 feet to the southwest corner of the Northwest Quarter; thence with the section line North 4° 15' East 2663.60 feet to the place of beginning, containing 98.06 acres, as surveyed by W.F. Lemon, Civil Engineer.

Excepting and reserving from the above described premises the following described portion or part thereof:

The following tract of land being in the Northwest Quarter of Section 35, Township 6, and Range 4, Smith Township, Belmont County, Ohio; beginning for the same at the southwest corner of the Northwest Quarter of said section; thence North 46° 30' East 100.00 feet; thence North 62° East 370.00 feet; thence North 73° East 376.00 feet; thence North 59° 22' 30" West 815.49 feet to a point on the section line; thence with the section line South 4° 15' West 770.00 feet to the place of beginning, containing 5.846 acres, more or less.

The above description was prepared, after survey, by William Herbert, Registered Surveyor, St. Clairsville, Ohio, on July 5, 1966.

Also excepting and reserving from the premises hereby conveyed such coal, mining rights, privileges and options as may have been heretofore sold and conveyed or reserved.

1 VOL 543 PAGE 519

Being the same premises conveyed by William E. Bishop and Ida Bishop, husband and wife, to Austin L. Green and Lela M. Green, husband and wife, by deed dated July 16, 1966, and recorded in Deed Book Volume 490, Page 411, Belmont County Deed Records.

To have and to hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantees, ^{for their joint lives, remainder to the survivor of them, his or her} heirs and assigns forever.

And we, Austin L. Green and Lela M. Green, the said Grantors, do for ourselves and our heirs, executors, and administrators, covenant with the said Grantees, Robert ^{E.}Kemp and Betty ^{J.}Kemp, their heirs and assigns, that at and until the ensembling of these presents, we are well seized of the above described premises, as a good and indefeasible estate in fee simple, and have good right to bargain and sell the same, in manner and form as above written, and that the same are free from all incumbrances whatsoever,

and that we will warrant and defend said premises, with the appurtenances thereunto belonging, to the said Grantees, Robert Kemp and Betty Kemp, for their joint lives, remainder to the survivor of them, his or her heirs and assigns, against all lawful claims and demands whatsoever,

And for valuable consideration, Austin L. Green and Lela M. Green, husband and wife, do hereby remise, release and forever quit claim unto the said Grantees, Robert ^{E.}Kemp and Betty ^{J.}Kemp, their heirs and assigns, all our right and expectancy of dower in the above described premises.

In Witness Whereof, we have hereunto set our hands, this 30th day of November, 1973.

Signed and acknowledged in the presence of:

Marianne Jenkins
Patricia Thompson


Austin L. Green
Austin L. Green
Lela M. Green
Lela M. Green

STATE OF OHIO, BELMONT COUNTY, SS:

Before me, a Notary Public in and for said County and State personally appeared the above named Austin L. Green and Lela M. Green, husband and wife, who acknowledged that they did sign the

foregoing instrument and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at St. Clairsville, Ohio, this 30th day of November, 1973.


Carter Thorneburg
Notary Public
CARTER THORNEBURG, ATTORNEY AT LAW
Notary Public - State of Ohio
My Commission has no Expiration Date
Section 147.03 R.C.

This instrument prepared by:
Carter Thorneburg
Attorney at Law
St. Clairsville, Ohio

TRANSFERRED

FEE PAID 1.05

DEC 20 1973

CONVEYANCE EXAMINED AND
SECT. 319.202 R.C. COMPLIED
WITH FEE PAID 1.05
H. O. HALL, AUDITOR
H. H. H. H., DEPUTY

BELMONT CO. RECORD OF Deeds

VOL. 543 PAGE 517
RECEIVED

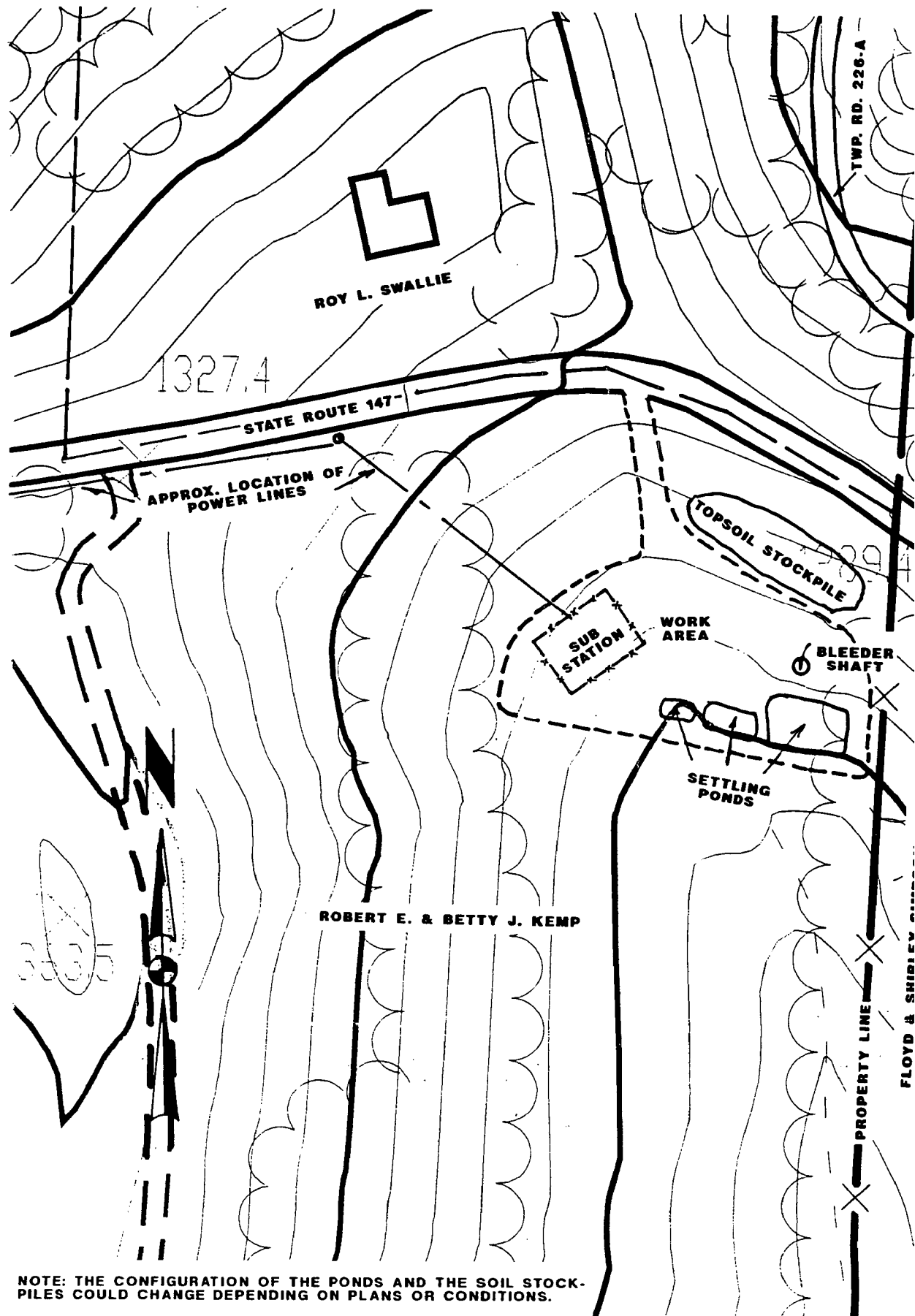
DEC 20 4 10 PM '73

RECORDED DEC 21 1973

NICK MUNAS

RECORDER

EXHIBIT A



NOTE: THE CONFIGURATION OF THE PONDS AND THE SOIL STOCK-PILES COULD CHANGE DEPENDING ON PLANS OR CONDITIONS.

SCALE 1"= 100'



July 24, 1999

Mr. Thomas Pulay, Reclamation Inspector
8505 Georgetown Road
Cambridge OH 43725

Dear Tom:

Enclosed is an application for an underground IBR to develop entries for ventilation purposes only. I spoke with Harry Payne in Columbus, and discussed this matter with him recently. Enclosed with the application is a limited warranty deed for right of entry purposes. Other information for this area may be found in approved application D-0360-7 which is immediately to the east of the site, as may be seen on the map. If you have any questions, please contact me.

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: H. J. Payne
File

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(740) 926-1351 • FAX (740) 926-1615

TOVCC 18442

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That the CONSOLIDATED LAND COMPANY, an Ohio corporation, with a mailing address of Box 505, 34208 Aurora Road, Solon, Ohio 44139, the GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to it paid by THE OHIO VALLEY COAL COMPANY, an Ohio corporation, whose tax mailing address is 56854 Pleasant Ridge Road, Alledonia, Ohio 43902, the GRANTEE, the receipt and sufficiency of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, and CONVEY to said GRANTEE, with limited warranty covenants to the GRANTEE, its successors and assigns, all of the Pittsburgh No. Eight (8) seam or vein of coal contained in or underlying the tracts of land more particularly described on Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all such mining rights and other rights and privileges pertinent to the tracts set forth on Exhibit "A" (hereinafter called the "Premises") as GRANTOR may possess.

TO HAVE AND TO HOLD said Premises, with all the privileges and appurtenances thereunto belonging, unto the said GRANTEE, its successors and assigns, forever.

And the said CONSOLIDATED LAND COMPANY, GRANTOR, does for itself, its successors and assigns, covenant with the said GRANTEE, its successors and assigns, that at and until the ensealing of these presents, it is well seized of the above described Premises, has a good and indefeasible estate in Fee

Simple, and has good right to bargain and sell the same in the manner and form as above written; that the same are free and clear from all encumbrances whatsoever, and that it will WARRANT AND DEFEND said Premises with the appurtenances thereunto belonging to the said GRANTEE, its successors and assigns, forever against all lawful claims and demands whatsoever.

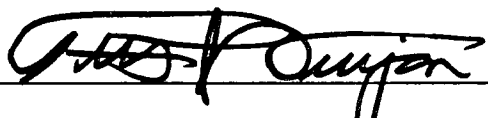
IN WITNESS WHEREOF, GRANTOR has caused its name to be hereunto subscribed by its duly authorized officers this first day of June, 1999.

PRIOR DEED REFERENCE; VOLUME 707, PAGE 1, Belmont County Deed Records.

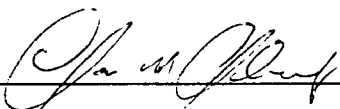
Signed and acknowledged in the presence of:

CONSOLIDATED LAND COMPANY, an Ohio corporation

Janet D. Anderson
Charles H. Oarb

By 
Peter J. Vuljanic,
President

Betty A. Conner
Richard M. Arcei Jr.

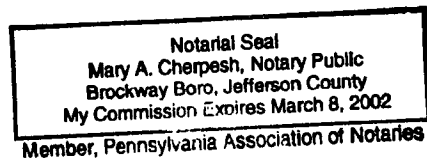
By 
Dominic M. D'Amore Jr.
Secretary

STATE OF Pa
COUNTY OF Jefferson, SS:

On this the 29 Day of June, 1999
appeared before me Peter J. Vuljanic, who acknowledged himself to
be President of Consolidated Land Company, an Ohio corporation,
and that as such officer being authorized to do so, executed the
foregoing instrument for the purposes therein contained by
signing the name of the corporation as President.

IN WITNESS WHEREOF, I hereunto set my hand and
Notarial seal.

Mary A. Cherpesh
Notary Public
My Commission Expires:



STATE OF OHIO
COUNTY OF CUYAHOGA, SS:

On this the 14th Day of JULY, 1999
appeared before me Dominic D' Amore, Jr. who acknowledged himself
to be Secretary of Consolidated Land Company, an Ohio
corporation, and that as such officer being authorized to do so,
executed the foregoing instrument for the purpose therein
contained by signing the name of the corporation as Secretary.

IN WITNESS WHEREOF, I hereunto set my hand and
Notarial seal.

Regina Mary Pepke
Notary Public
My Commission Expires: OCTOBER 3, 2003

REGINA MARY PEPKE
Notary Public - State of Ohio
My Commission Expires Oct. 3, 2003

This Instrument Prepared By:
THE OHIO VALLEY COAL COMPANY
56854 PLEASANT RIDGE ROAD
ALLEDONIA, OHIO 43902

EXHIBIT "A"

DESCRIPTION OF A 50.00 ACRE TRACT

Situated in the State of Ohio, County of Belmont, and the Township of Goshen. Being a part of a 211 Acre Tract described as Tract Fourty Seven - Part Eighteen in a certain Coal Deed from Wyoming Pocahontas Land Company to Consolidated Land Company recorded in Volume 707 at Page 1 of the Belmont County Record of Deeds and being more particularly bound and described as follows:

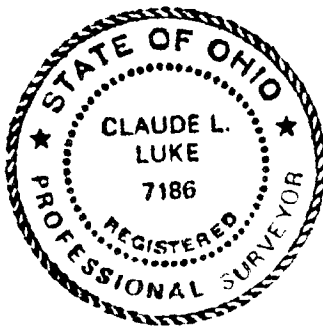
Being in the Southeast Quarter of Section 5, T7-R5, beginning for the description at the Southeast Corner of Section 5, T7-R5, thence, and with the South Line of said Section N. 88° 00' 00" W. 1320.00 Feet to a Point, thence, and leaving said Section Line, N. 2° 21' 00" E. 1650.00 Feet to a Point, thence, S. 88° 00' 00" E. 1320.00 Feet to a Point on the East Line of said Section 5, T7-R5, thence, and with said Section Line, S. 2° 21' 00" W. 1650.00 Feet to the Point of beginning of the herein described tract, containing 50.00 acres more or less.

Being a split of Auditor Parcel No. 91-00327.

Together with the right to enter through said vein of coal and mine and remove the same, and the right to mine and remove through said vein of coal other coal belonging to said grantee, its successors or assigns, or which may be hereafter acquired. The grantee is released from all claims for damages caused by the mining and removal of said coal from under said premises. But reserving to the owner of the surface, their heirs or assigns,

the right to drill, bore, or shaft through said vein of coal for oil, gas, water or other minerals, but so as to not interfere with the workings of said mine.

This description prepared in June 1999, as a result of a field survey made by Claude L. Luke of Shadyside, Ohio, who is Ohio Registered Surveyor No. 7186.



A handwritten signature of Claude L. Luke in cursive script, written over a horizontal line.

Claude L. Luke #7186

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATION
1855 Fountain Square Court
Columbus, Ohio 43224

APPLICATION FOR AN INCIDENTAL BOUNDARY REVISION

(File in Quadruplicate)

1. Permittee's Name THE OHIO VALLEY COAL COMPANY Phone # 740-926-1351
2. Address 56854 PLEASANT RIDGE ROAD Zip Code 43902
ALLEDONIA, OH
3. Coal Mining Permit # D-0360
4. Additional Acres to be permitted 0
5. Has this acreage been affected? Yes , No X
6. Describe the reason this additional acreage is required.
THIS AREA IS BEING ADDED TO FACILITATE AN AIR SHAFT
7. Describe the activities to be conducted on this area.
VENTILATION OF ACTIVE WORKINGS
8. Is the information contained in the previously approved permit application applicable to this revised area? Yes X, No .

If "no", describe any changes to the previously approved permit application that will apply to this revised area.

(continued on reverse side)

9. LOCATION OF ADDITIONAL ACRES TO BE AFFECTED DURING PERMIT (List all surface and mineral owners and all locations applicable to each ownership as shown on the location map. If owner name is repeated, show address only once. If permittee is owner, address is not necessary.

NAME OF SURFACE AND MINERAL OWNERS	Twp& Range	Section	Township	County
Name <u>The Ohio Valley Coal Company</u> Address <u>56854 Pleasant Ridge Road</u> City & State <u>Alledonia, OH 43902</u> Surface <u> </u> Mineral <u> X </u> Zip <u> </u>	7N/ 5W	5	Goshen	Belmont
Name <u>Robert and Betty Kemp</u> Address <u>43828 Belmont-Centerville Rd.</u> City & State <u>Belmont, OH 43718</u> Surface <u> X </u> Mineral <u> </u> Zip <u> </u>	7N/ 5W	5	Goshen	Belmont
Name <u>Roy Swallie</u> Address <u>43999 Belmont-Centerville Rd.</u> City & State <u>Belmont, OH 43718</u> Surface <u> X </u> Mineral <u> </u> Zip <u> </u>	7N/ 5W	5	Goshen	Belmont

(If additional space is needed, list on a separate sheet in this format.)

I, the undersigned authorized representative of the permittee, hereby attest that the information contained in this revision request is true and correct to the best of my knowledge and belief.

Signature	Title	Date
-----------	-------	------

(FOR DIVISION USE ONLY)

This application is hereby _____ by the Chief, Division of Mines and Reclamation and effective this date. The acreage identified in item 5 of this application is now part of permit _____.

(permit #)

Date	Chief, Division of Mines and Reclamation
------	--

\$ _____ of performance bond and \$ _____ acreage fee was received on _____.
NOTE: NO BOND OR ACREAGE FEE. UNDERGROUND ACREAGE ONLY
(Date)



July 23, 1999

Mr. R. Scott Stiteler
Division of Mines and Reclamation
1855 Fountain Square Court
Columbus OH 43224

Dear Scott:

Enclosed are the final revisions for the 1.6 acre IBR for The Ohio Valley Coal Company.
If you have any questions please contact me.

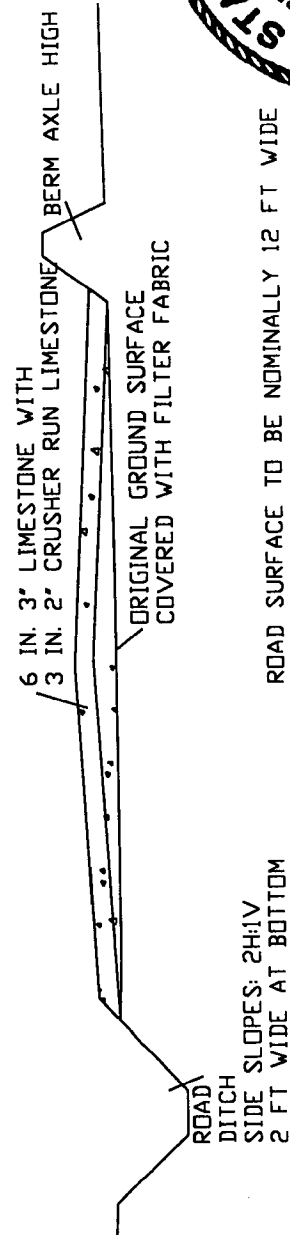
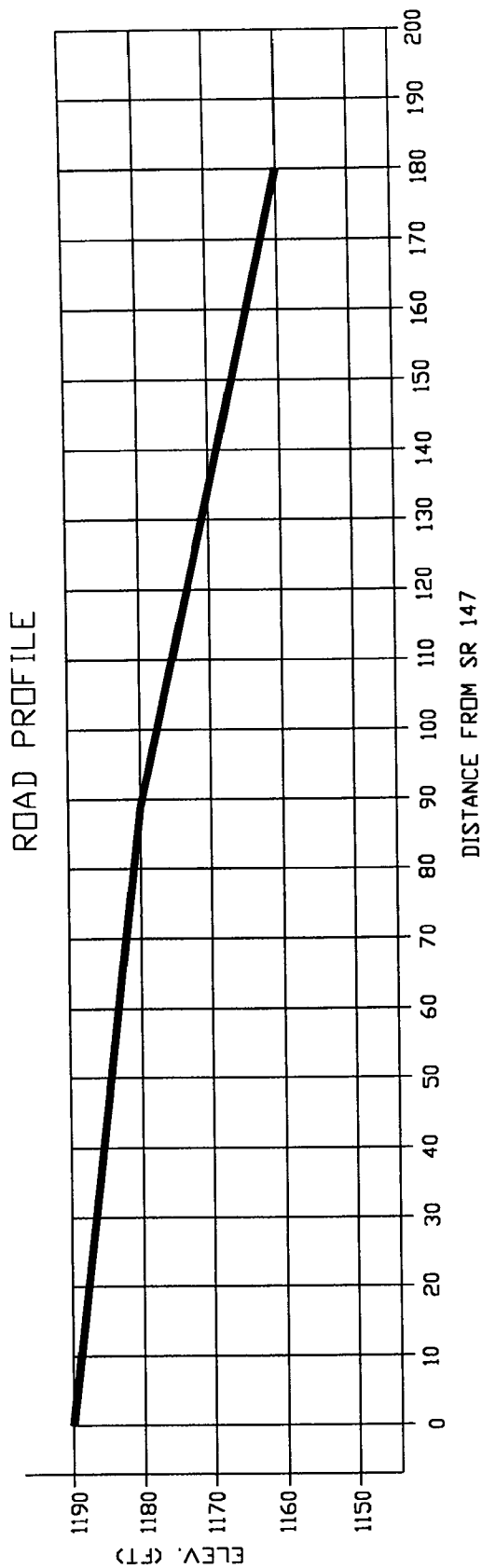
Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: file

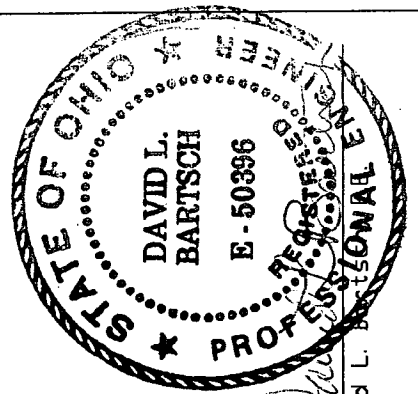
56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(740) 926-1351 • FAX (740) 926-1615

TOVCC 18450



THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT D-0360

ROAD DESIGN



David L. Bartsch

Sump Design

All surface runoff from the site will be directed through sumps immediately adjacent to the site. These sumps will be approximately 10 ft x 15 ft x 5 ft deep for a volume of 750 cubic ft each. A large sump to settle the shaft cuttings will be 120 ft x 40 ft x 5 ft for a volume of 24,000 cubic ft. Together, these sumps provide adequate volume for the 1.6 acre site and to meet the Division's requirements. The water will flow from one sump to the next with the final sump in series having a hay bale dike placed in such a manner that the overflow from this final sump will have to pass through the dike before leaving the site. Sumps will be cleaned prior to reaching 60 percent of their design capacity. **Sump Design:** Sumps will be rectangular shaped with rectangular bottoms and sides on a 2H:1V slope.

Date: 7-23-99

Total Pages: 1

▶ PLEASE DELIVER IMMEDIATELY

TO Ohio Valley Coal
Dave Bartsch

FAX 740-926-9112 PHONE

FAX

Farm Seed Recommendation is 20 lb. per
acre.

M

E Hay Blend - 51.38 lb.

45% Vernal Alfalfa

S 40% med. Red Clover

10% Climax Timothy

S 5% Alsike Clover

A

G

E

All Purpose Seed - 15.96 lb.

23% Fawn Tail Fescue

20% Per. Ryegrass

20% Climax Timothy

18% An. Ryegrass

7% Bluegrass

6% Bromegrass

6% Orchardgrass

FROM

Belmont Mills

J. J. Lewis

FAX 740-484-4663 PHONE 740-484-4633

FAX

OVCC

NAME OF COMPANY

MEMORANDUM FOR VOUCHER No. _____

MONTH OF July 1999

FAVOR Treasurer, State of Ohio AMOUNT \$ 120.00

ADDRESS 1855 Fountain Sq. Court, Columbus OH 43224

FOR Average fee - 1BR

REMARKS: Return check to D. Bartsch, Thayer

CHARGE _____

CREDIT _____

APPROVED _____ DATE _____

LSP.

DAVID BARTSCH

Paul - I need to extend our
Reclamation bond by \$4000 to cover
a 1.6 acre boundary revision.
Needed ASAP.

Thayer, Dave

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION

ATTACHMENT 16
(NEGATIVE DETERMINATION OF PRIME FARMLAND)

Applicant's Name THE OHIO VALLEY COAL COMPANY

This attachment is to be completed and submitted with the permit application if the applicant is demonstrating that the permit area or a portion of the permit area is not prime farmland. Check (X) the appropriate item numbers and attach the documents used to make the demonstration.

- ☐ 1. Lands within the proposed permit area have not been historically used for cropland.
- ☐ 2. The slope of the land within the proposed area is greater than eight percent.
- ☒ 3. On the basis of a second order soil survey meeting the standards of the National Cooperative Soil Survey, there are no soil map units within the proposed permit area that have been designated prime farmland by the U.S. Soil Conservation Service.
- ☐ 4. On the basis of a first order soil survey commissioned by the applicant and meeting the standard of the National Cooperative Soil Survey, there were found to be no prime farmland map units as designated by the S.C.S. within the proposed permit area (see Attachment 15, item 2 for 1st order survey criteria).

Land Use Statement

I, the undersigned, state that the pre-mining land use for this property is for crop-land. I agree that the post-mining land use will be returned to crop-land.

Roberto Remyz, Betty J. Kemp
Signature

7-21-99
Date

Planting Plan

Prior to use for an air shaft site, the area was used for production of hay. A seed mix known as hay and pasture was used. It is available at local vendors. Prior to seeding, adequate fertilizer and lime will be applied and the seed will be mulched with hay. Fertilizer, lime and mulch will be applied in accordance with the seed supplier's recommendations.



July 21, 1999

Mr. R. Scott Stiteler, Environmental Specialist
Division of Mines and Reclamation
1855 Fountain Square Court
Columbus, OH 43224

Dear Scott:

We are in receipt of your revisions to the 1.6 acre IBR. Enclosed are the revisions:

1. The township has been changed on Page 2.
2. Sump design
 - a. The addendum has been revised.
 - b. The addendum has been revised. The "final pond" indicates the last sump in the series of sumps. There will be no pond remaining at the site. A small area drainage exemption has been applied for in this IBR, eliminating the need for a pond.
 - c. The addendum has been revised.
 - d. The sump design has been submitted.
3. Valid Existing Rights - We normally submit these valid existing rights as a matter of practice for all IBR's in the event that there is any question as to the rights possessed by OVCC.
4. Attachment 16 has been submitted and is enclosed.
5. The access road design is submitted.
6. The land use statement has been revised and is enclosed.
7. IBR Map
 - a. The diversion ditches and silt fence have been revised to be located within the application area.

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(740) 926-1351 • FAX (740) 926-1615

TOVCC 18458

- b. The roads have been labeled.
- c. The sections have been labeled.
- d. The townships have been labeled.
- e. A hook has been added to show that Mr. Simpson owns the property south of SR 147.
- f. The entrance sign location is shown on the map.
- g. It is standard practice to show an orange line around an IBR application area. It is shown in the legend under that label.
- h. The title block has been changed.

If you have any questions, please contact me. Work is scheduled to start on site preparation during the first week of August. Please expedite SHPO and hydrology review for this application.

Sincerely,
THE OHIO VALLEY COAL COMPANY

A handwritten signature in black ink, reading "David L. Bartsch". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: File

July 19, 1999

The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902

The Incidental Boundary Revision for D-0360 for 1.6 acres was reviewed and the following revisions are necessary before processing can continue.

1. Page 2, item 9: The Township is 5 not 4. Revise as necessary under both surface and mineral owner.
2. Sump Design:
 - a. The addendum indicates that the sumps will be 40ft. long by 20 ft. wide, but the map indicates different dimensions. Revise as necessary for consistency.
 - b. The addendum indicates there will be a final pond. The map does not show where this pond will be located and no Attachment 20 was submitted showing the pond dimensions or designs. Revise as necessary.
 - c. The addendum indicates that the sumps will be cleaned out when they are less than $\frac{3}{4}$ full with sediment. Revise to indicate that they will be cleaned out prior to reaching 60% design capacity.
 - d. Submit sump designs.
3. Valid Existing Rights: It does not appear that this IBR application would warrant VER documentation to be submitted. Explain why this was submitted.
4. Submit an Attachment 16.
5. Submit access road designs.

6. Land Use Statement: The land use indicated for the Kemp property is hay. This is not a specified land use according to Rule 1501: 13-9-17. Please revise the land use statement to indicate a land use identified in the above mentioned rule and have the land use statement resigned by the surface owner. Also, submit a planting plan for the chosen land use.
7. IBR Map:
 - a. Diversion ditches and silt fences need to be located within the IBR permit limits. Revise as necessary.
 - b. Label roads SR-147 and T-226-A on the map. Also, the symbol shown in the legend for road outside the permit limits needs to be shaded black.
 - c. Label sections 5 and 35 on the map. Note: the section line symbol that is show resembles a public road symbol. Revise to use a different symbol for clarity.
 - d. Label Goshen and Smith Townships on the map.
 - e. Who owns the property (surface and coal)south of SR-147, east of the IBR area in Section 35, Smith Township. Label as necessary.
 - f. Show entrance sign on map.
 - g. The map shows the entire permit boundary outlined with an orange line. Explain what this line represents. There is no symbol show in the legend for this.
 - h. The title block indicates this area is in Section 10. Revise to indicate Section 5 as necessary.

Note: The IBR still needs to be reviewed by a division hydrologist and by SHPO. Additional revisions may be necessary.

Any additional or revised documents must be submitted in quadruplicate. If you have any questions, please contact me at Scott.Stiteler@dnr.state.oh.us or at (614)265-6431.

Sincerely,

R. Scott Stiteler
Environmental Specialist

July 19, 1999

The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902

The Incidental Boundary Revision for D-0360 for 1.6 acres was reviewed and the following revisions are necessary before processing can continue.

1. Page 2, item 9: The Township is 5 not 4. Revise as necessary under both surface and mineral owner.
2. Sump Design:
 - a. The addendum indicates that the sumps will be 40ft. long by 20 ft. wide, but the map indicates different dimensions. Revise as necessary for consistency.
 - b. The addendum indicates there will be a final pond. The map does not show where this pond will be located and no Attachment 20 was submitted showing the pond dimensions or designs. Revise as necessary.
 - c. The addendum indicates that the sumps will be cleaned out when they are less than $\frac{3}{4}$ full with sediment. Revise to indicate that they will be cleaned out prior to reaching 60% design capacity.
 - d. Submit sump designs.
3. Valid Existing Rights: It does not appear that this IBR application would warrant VER documentation to be submitted. Explain why this was submitted.
4. Submit an Attachment 16.
5. Submit access road designs.

6. Land Use Statement: The land use indicated for the Kemp property is hay. This is not a specified land use according to Rule 1501: 13-9-17. Please revise the land use statement to indicate a land use identified in the above mentioned rule and have the land use statement resigned by the surface owner. Also, submit a planting plan for the chosen land use.
7. IBR Map:
 - a. Diversion ditches and silt fences need to be located within the IBR permit limits. Revise as necessary.
 - b. Label roads SR-147 and T-226-A on the map. Also, the symbol shown in the legend for road outside the permit limits needs to be shaded black.
 - c. Label sections 5 and 35 on the map. Note: the section line symbol that is show resembles a public road symbol. Revise to use a different symbol for clarity.
 - d. Label Goshen and Smith Townships on the map.
 - e. Who owns the property (surface and coal)south of SR-147, east of the IBR area in Section 35, Smith Township. Label as necessary.
 - f. Show entrance sign on map.
 - g. The map shows the entire permit boundary outlined with an orange line. Explain what this line represents. There is no symbol show in the legend for this.
 - h. The title block indicates this area is in Section 10. Revise to indicate Section 5 as necessary.

Note: The IBR still needs to be reviewed by a division hydrologist and by SHPO. Additional revisions may be necessary.

Any additional or revised documents must be submitted in quadruplicate. If you have any questions, please contact me at Scott.Stiteler@dnr.state.oh.us or at (614)265-6431.

Sincerely,

R. Scott Stiteler
Environmental Specialist



June 21, 1999

Mr. Tom Pulay, Reclamation Inspector
Division of Mines and Reclamation
8505 Georgetown Road
Cambridge OH 43725

Dear Tom:

Enclosed is an application for an incidental boundary revision for an air shaft site. We would like to begin work on site preparation as soon as possible, so your expedited handling of this matter would be greatly appreciated. Thank you.

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: File

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(740) 926-1351 • FAX (740) 926-1615

TOVCC 18464

APPLICATION FOR
INCIDENTAL BOUNDARY REVISION (IBR)

27 WEST BLEEDER SHAFT SITE
THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT D-0360

THE OHIO VALLEY COAL COMPANY
56854 Pleasant Ridge Road
Alledonia, OH 43950
(740) 926-1351

Contact Person: David Bartsch

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATION
1855 Fountain Square Court
Columbus, Ohio 43224

APPLICATION FOR AN INCIDENTAL BOUNDARY REVISION
This Form Cannot Be Utilized For The Removal of Coal
(File in Quadruplicate)

1. Permittee's Name The Ohio Valley Coal Company Phone # 740-926-1351
2. Address 56854 Pleasant Ridge Road Zip Code 43902
Alledonia, OH
3. Coal Mining Permit # D-0360
4. Additional Acres to be permitted 1.6
5. Has this acreage been affected? Yes , No X
6. Describe the reason this additional acreage is required.
This acreage is needed to install a ventilation shaft
7. Describe the activities to be conducted on this area.
Construction of an air shaft and substation and operation of a fan
8. Is the information contained in the previously approved permit application applicable to this revised area? Yes X , No .

If "no", describe any changes to the previously approved permit application that will apply to this revised area.

(continued on reverse side)

- | NAME OF SURFACE AND MINERAL OWNERS | Twp& Range | Section | Twp | County |
|---|------------|---------|--------|---------|
| Name <u>The Ohio Valley Coal Company</u>
Address <u>56854 Pleasant Ridge Road</u>
City & State <u>Alledonia, OH 43902</u>
Surface _____ Mineral <u>X</u> Zip _____ | 7N/
5 W | 5 | Goshen | Belmont |
| Name <u>Robert and Betty Kemp</u>
Address <u>43828 Belmont-Centerville Rd</u>
City & State <u>Belmont, OH 43718</u>
Surface <u>X</u> Mineral _____ Zip _____ | 7N/
5W | 5 | Goshen | Belmont |
| Name _____
Address _____
City & State _____
Surface _____ Mineral _____ Zip _____ | | | | |

I, the undersigned authorized representative of the permittee, hereby attest that no coal has been or will be removed from the acreage identified in this application.

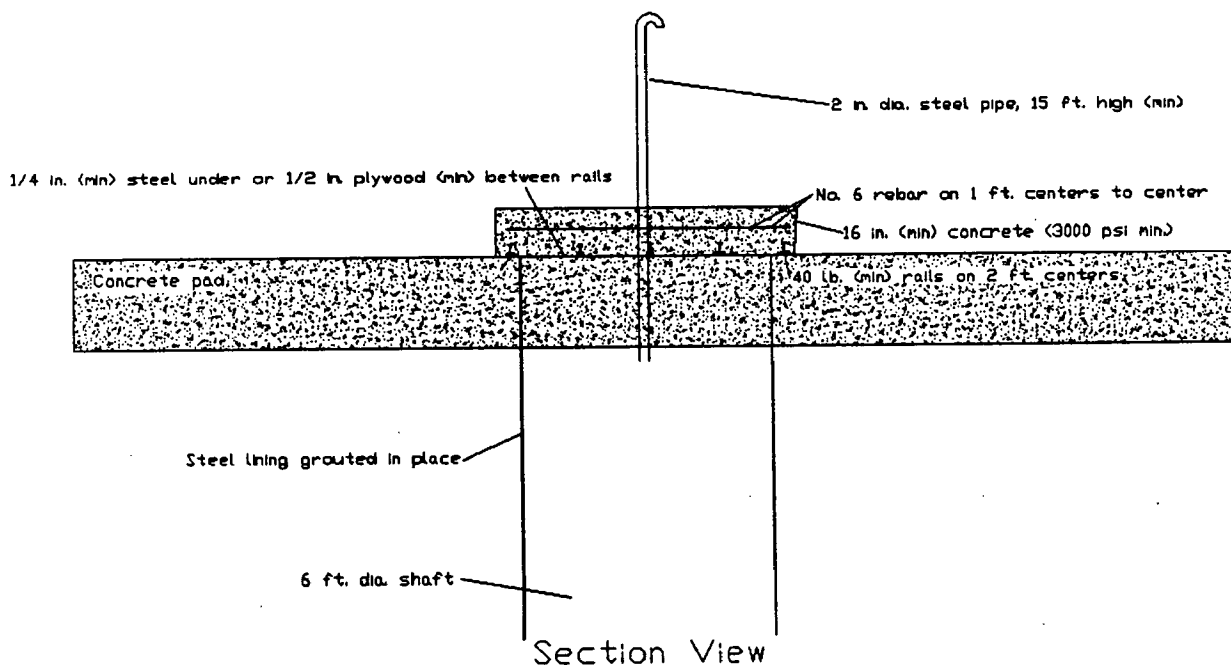
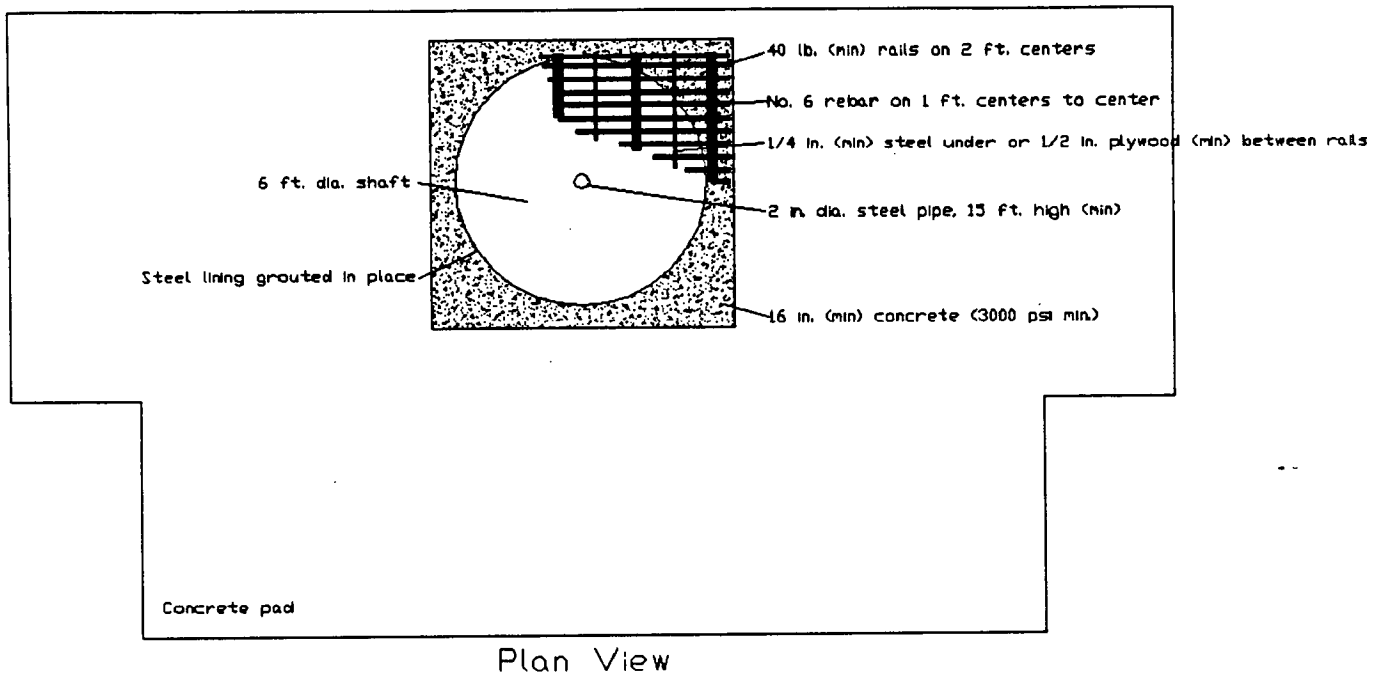
6/21/99
Date

(Date)

Sump Design

All surface runoff from the site will be directed through sumps immediately adjacent to the site. These sumps will be approximately 40 ft. long, 20 ft. wide, and 5 ft deep for a volume of 4000 cubic feet each. For a site only 1.6 acres in size, this size will be adequate to meet the Division's requirements. The final pond will have a hay bale dike placed in such a manner that the overflow from this final pond will have to pass through the dike before entering the receiving stream. Sumps will be cleaned when they are less than 3/4 full with sediment.

The Ohio Valley Coal Company
 Powhatan No. 6 Mine - Permit D-0360
 Proposed Seal - **27 West** Bleeder Shaft.
 (not to scale)



AFFIDAVIT

State of Ohio, BELMONT County, ss. DAVE L. BARTSCH
being first duly sworn, says that the following described
documents convey to the applicant the legal right explained below
and is a subject of litigation as shown below.

Type of document Easement, Right-of-Entry and Agreement

Execution Date 10 May, 1999

Expiration Date n/a

Parties: From Robert and Betty Kemp
To THE OHIO VALLEY COAL COMPANY

Description of land: Number of Acres APPROXIMATELY 1.6

County BELMONT , Township Goshen

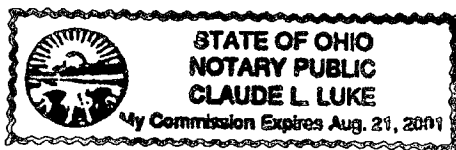
Sections 5 , Lots _____

Explanation of legal rights claimed RIGHT TO ENTER,
CONSTRUCT, AND MAINTAIN AN AIR SHAFT, ETC.

Pending litigation _____ Yes, X No.

David L. Bartsch 6-21-99
Signature of Affiant Date
Environmental Coordinator
Position

Sworn to before me and subscribed in my presence this
21ST day of JUNE, 19 99.



Claude L. Luke
Notary Public

VALID EXISTING RIGHTS

The Nacco Mining Company was created as a wholly owned subsidiary of The North American Coal Corporation in 1969. Property rights of Nacco were obtained through the conveyances, fee purchases and lease acquisitions sited in Part 1, Item C(1) of this Coal Mining and Reclamation Permit Application.

These property acquisitions establish Nacco's right to remove all of the coal in the Pittsburgh Number 8 seam within the reserves area of the Powhatan No. 6 Mine. Also acquired were surface tracts within Washington Township of Belmont County where the support facilities for this mine have been constructed. These surface tracts were acquired within these locations with the intent of situating all preparation plant and transport facilities that would be necessary to fully implement the coal production system planned for this mine site.

On April 16, 1969 Nacco entered into a Coal Sales Agreement with The Cleveland Electric Illuminating Company. This agreement outlines the financial commitments of the loan participants as well as the coal production systems of Nacco necessary for the development of the project.

Actual production of coal tonnages can be verified by Mining Informational Services Keystone Coal Industry Manual. An abbreviated copy of the 1972 edition of this report is included in Appendix IV. The manual documents that a total of 665,058 tons of coal were produced at the Powhatan No. 6 Mine of Nacco Mining Company during that year.

On January 4, 1977, the United States Department of Interior, Mining Enforcement and Safety Administration contacted the Powhatan No. 6 Mine to acknowledge the approval of the dust control plan which had been submitted by Nacco earlier that year. Similarly, on December 12, 1975, the same governmental agency again contacted Nacco approving the dust control plan submitted for this mine.

On July 25, 1972, the Belmont County, Ohio Health Department approved the Detail Plans of Coal Washing Plant for The Nacco Mining Company. In addition, on March 21, 1975, The Ohio Environmental Protection Agency notified The Nacco Mining Company that a public hearing was to be held concerning NPDES Permit No. L046*AD. This permit was issued and effective on June 30, 1975. Copies of these documents are contained in Appendix IV.

A significant requirement for approval by MESA is that the plan, as outlined, must be implemented and demonstrate that the control methods specified by the plan cause the facility to meet or exceed all limitations as required by MESA. The dust control plan has been in full force and effect continuously since its initial approval in 1975.

These documents all serve to establish that The Nacco Mining Company has a valid existing right to occupy lands now affected by the mining activities and support facilities of Powhatan No. 6 Mine as it applies to the mining prohibitions in Section 1501:13-3-03 of The Ohio Administrative Code.

J. Christenson



DEPARTMENT OF
NATURAL RESOURCES

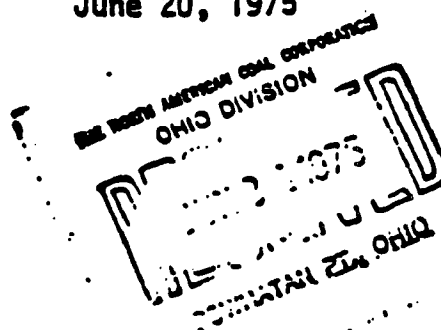
JAMES A. PHOENIX

ROBERT W. TEATER
DIRECTOR

Return original to HSL
Division of Water

1533 DUBLIN ROAD • COLUMBUS, OHIO 43215 (614) 466-2648

June 20, 1975

CERTIFIED MAIL

Mr. Harvey S. Lewis, P.E.
The Nacco Mining Company
Powhatan Point, Ohio 43942

Permit No. 75-87
Nacco Slurry Impoundment
Southwest Quarter, Section 29
Washington Township, Belmont County

Dear Mr. Lewis:

Enclosed herewith is Permit No. 75-87 issued under Sections 1521.06 and 1521.061 of the Revised Code of Ohio for the construction of this dam. Because of your anticipated construction schedule, the permit is issued for a period of 3 years. One copy each of the approved plans, specifications, and other supporting documents is enclosed.

The \$100.00 statutory fee and the performance bond in the amount of \$300,000.00 were received on April 10, 1975. The \$100.00 fee has been subsequently deposited with the Treasurer of State.

You have indicated in a letter dated June 17, 1975, that you and Mr. Walter M. Lorence of GeoMechanics, Inc., as registered professional engineers, will accept joint responsibility for inspection of this project during construction. Provisions of Chapters NRd-15 and NRd-17 of our Administrative Rules should be followed in completing the construction and having it approved.

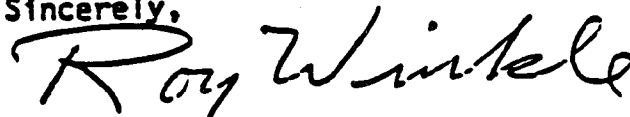
Please note all conditions of this permit. Condition 1 is self-explanatory. Condition 2 requires that my office be notified when certain specific construction activities are to be underway. Prompt notification will enable my staff to schedule their site visits accordingly. Inspection by this office of each of these items will facilitate our approval of the construction, but will not in any way relieve you and Mr. Lorence of your inspection responsibilities. Condition 3 requires that the final design for the emergency spillway be submitted and approved before construction of the embankment is completed.

Revised drawings numbered 7374-47, 7374-48, and 7374-49 for a 30-inch spillway pipe were received June 19, 1975 from Mr. Lorence. These sheets have been included in the approved copies of the final plans and are part of the permit.

June 20, 1975

If you have any questions concerning the permit and/or the Division of Water Administrative Rules feel free to contact George Mills, Bruce Pickens or me.

Sincerely,



Roy Winkle, Chief
Division of Water
(Dam Permits and Inspection)

RW:pr
encl.

cc: Walter M. Lorence, P.E.
Steve Hamlin, OEPA, Southeast District
John T. Davidson, Deputy Director, DNR
Bruce E. Cryder, Assistant Attorney General

PERMIT TO CONSTRUCT A DAM, DIKE, OR LEVEE

In accordance with and subject to the provisions, conditions and limitations of Chapter 1521 of the Revised Code of Ohio and the applicable rules and regulations adopted pursuant thereto, a permit is hereby issued to

The Nacco Mining Company

Powhatan Point, Ohio 43942

the 20 day of June, 19 75, to construct a dam
(dam, dike, or levee)

a tributary of Captina Creek, located in Belmont
(name of stream)

County, Washington Township, Southwest Quarter 23 Section 10
or 29 miles W from Armstrongs Mills
(direction) (town, post office, road intersection)

The approved plans and specifications including the conditions noted below, and bearing this permit number, 5-87, are hereby made a part of this permit. This permit is valid for a period of 3 years from date of issuance unless modified or revoked by the Chief.

Conditions of this permit:

1. Reports of inspection during construction shall be submitted bi-weekly and shall include copies of the inspectors daily logs and a summary of all field and laboratory tests conducted for quality control of earthwork and concrete construction for the reporting period.
2. The Chief shall be notified when the following stages of construction are to be undertaken:
 - A. Excavation of the cut-off trench; and,
 - B. Placement of the spillway pipe and construction of the pipe encasement.
3. Detailed plans for the emergency spillway shall be submitted and approved before construction of the embankment is completed.

on June 20, 1975

Roy Winkler
(Chief, Division of Water)

Re: Belmont County
Washington Township
Application for a Proposed Slurry Pond for Treatment of Thickener
Underflow at MACCO Mine No. 6
Received June 4, 1975
From Mr. Carl E. Bishop, Quality and Environmental Control Engineer

James A. Rhodes
Governor
E. Williams, P.E.
Director

October 8, 1975

The MACCO Mining Company
Powhatan Point
Ohio 43942

CERTIFIED MAIL
OhioEPA

Gentlemen:

Enclosed is the Ohio EPA Permit To Install which will allow you to install the described source in the manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

As indicated on the permit, you are required to pay a permit fee as provided for in Ohio EPA regulation EP-39-02. The exact amount of this fee is indicated on page 1 of the Permit To Install. This amount must be remitted within fifteen (15) days of the effective date of the Permit To Install. Checks should be made payable to: Treasurer, State of Ohio and sent to Ohio EPA, New Source Permit Records Section, 361 East Broad Street, Columbus, Ohio 43215.

Under Ohio Revised Code, Chapters 119 and 6111, this permit will take effect on the date indicated unless you or an objector requests an adjudication hearing within thirty (30) days of the date of issuance, as provided for by Ohio Environmental Protection Agency regulation EP-40-13. At an adjudication hearing you may appear in person, or be represented by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing. At the hearing you may present evidence and examine witnesses appearing for and against you. Requests for hearing shall be in writing and shall specify the issues of fact and law to be contested. Requests for hearing should be sent to the Hearing Clerk, Box 1049, 361 East Broad Street, Columbus, Ohio 43215.

The agency may withdraw this permit at any time before it takes effect.

The NACCO Mining Company
October 8, 1975
Page 2

If you have any questions, please contact the Ohio EPA District Office or local air pollution control agency to whom you submitted your application.

Very truly yours,

Jacqueline J. Nusbaum

Jacqueline J. Nusbaum, Chief
New Source Permit Records Section

Copy to Belmont County Health Department
" " Southeast District Office, Public Wastewater

OHIO ENVIRONMENTAL PROTECTION AGENCY

Permit To Install

Application No. 06-150

Permit Fee: \$250.00

Applicants Name: The NACCO Mining Company

Address:

City: Powhatan Point State: Ohio

Telephone: (614) 795-5500

Description of Proposed Source: A Proposed Slurry Pond for Treatment of
Thickener Underflow at NACCO Mine No. 6

Issuance Date: October 8, 1975

Effective Date: November 24, 1975

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter EP-30 of the regulations of the Ohio Environmental Protection Agency. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto:

Ohio Environmental Protection Agency



by Ned E. Williams, P.E.
Director
361 East Broad Street
Columbus, Ohio 43215



United States Department of the Interior
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
501 BUSSEY STREET
VINCENNES, INDIANA 47591

January 19, 1977

Mr. James Brockwell, Jr., Assistant Chief Engineer
The Nacco Mining Company
Powhatan Point, Ohio 43942.

Dear Mr. Brockwell:

On the basis of the information submitted, the engineering plan for the design and construction of impoundment structure, I.D. No. 1211 OHB 0025-03, at Powhatan No. 6 mine, has been approved.

Section 77.216-2(b) requires that any changes or modifications to this plan be approved by the District Manager prior to the initiation of such changes or modifications.

Sincerely yours,

Charles W. Rath

Acting District Manager
Coal Mine Health and Safety
District 8

cc: D. Ward
M. Gregory
W. Smigill



RECEIVED

JAN 20 1977
North American Coal Corporation
Engineering Department
P.O. Box 1000
Vincennes, Indiana 47591



December 19, 1980

Mr. David P. Davis, Chief Environmental Engineer
The NACCO Mining Company
Powhatan Point, OH 43942

Dear Mr. Davis:

A review has been made of the modification dated August 20, 1980, with supplemental information dated October 8, 1980, for No. 6 Mine, No. 2 Slurry Impoundment, I.D. No. 1211 OH8 0025-03. Based on the information submitted, the modification is approved and is now a part of the approved engineering plan for design, construction and maintenance of this impoundment.

The modification is to permit raising the crest elevation to 1065, raising the primary spillway to 1050, and adding an 80-foot wide open channel emergency spillway at elevation 1060.

If you have any questions concerning this matter, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. M. Hildner", is written below the "Sincerely,".

District Manager
Coal Mine Safety and Health
District 8

File E.D. C.2.3.3

U. S. Department of Labor

Mine Safety and Health Administration
501 Busseron Street
Vincennes, Indiana 47591



October 6, 1981

Mr. William Elmer Schanck
Chief Environmental Engineer
The NACCO Mining Company
Powhatan Point, OH 43942

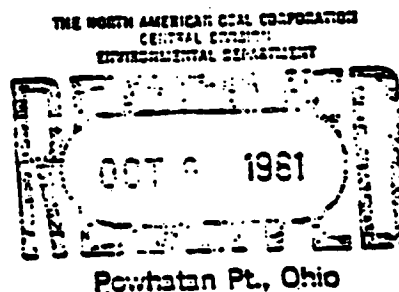
Dear Mr. Schanck:

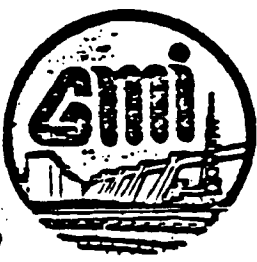
A review has been completed of the modification to the engineering plan for design, construction and maintenance of Powhatan No. 6 mine, No. 2 Slurry Pond, I.D. No. 1211 OHS 0025-03. The modification dated June 30, 1981, requests to change to an eight standpipe piezometer monitoring system from the present 16 pneumatic piezometer monitoring system. Based on the information submitted, the modification is approved and is now part of the approved engineering plan.

Section 77.216-2(b) requires that any changes or modifications to this plan be approved by the District Manager prior to the initiation of such changes or modifications.

Sincerely,

Charles W. Rath
Acting District Manager
Coal Mine Safety and Health
District 8





GeoMechanics, inc

1580 Broad Ave. Belle Vernon, Pa. 15012 (412) 929-3341 / 462-8939

March 9, 1982

The NACCO Mining Company
Powhatan Point, Ohio 43942

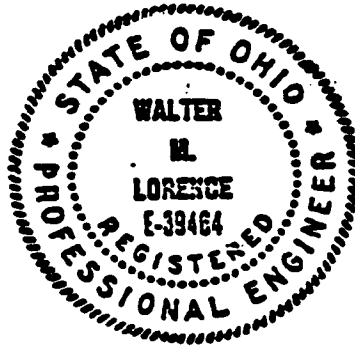
ATTENTION: Mr. Wm. Elmer Schanck,
Chief Environmental Engineer

Re: Engineer's Certification
No. 2 Slurry Dam
NACCO Mine No. 6
M.S.H.A. I.D. No. 12N-OH8-0025-03
G.M.I. Project No. SP-NAC-82

Gentlemen:

Our office is in receipt of the "As-Built Plans" for the above facility dated March 4, 1982. Based on our review of these plans in conjunction with our field observations and pursuant to the provisions of 30 CFR 77.216-4 (U.S. Department of Labor, Mine Safety and Health Administration), GeoMechanics, Inc. hereby certifies that, to the best of our knowledge, the construction of the slurry dam, to date, has been completed in conformance with the approved plans and specifications.

We wish to extend our appreciation for this opportunity to once again be of service to you. Should you have any questions or require additional information, please contact us.



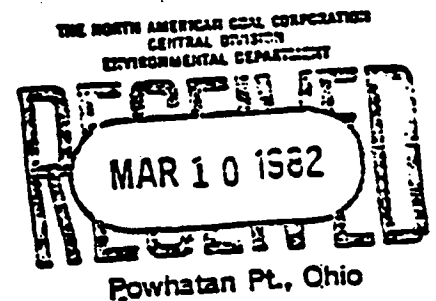
Very truly yours,

GEO-MECHANICS, INC.

Walter M. Lorence
WALTER M. LORENCE, P.E.
VICE PRESIDENT

WML:njr

File: ED - 6.2.3.4



OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION

**ATTACHMENT 4
(ADJACENT OWNERS)**

Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the response to item C.(5) in Part 1 of the permit application is "yes."

Name of owner Floyd and Shirley Simpson/Country Mile Farm

Address 44680 Belmont-Centerville Road

City Belmont State OH Zip 43718

 X Surface, Mineral

Name of owner Roy Swallie

Address 43999 Belmont-Centerville Road

City Belmont State OH Zip 43718

X Surface, _____ Mineral

Name of owner The Ohio Valley Coal Company

Address 56854 Pleasant Ridge Road

City Alledonia State OH Zip 43902

Surface, X Mineral

Name of owner _____

Address _____

City _____ State _____ Zip _____

____ Surface, _____ Mineral

12/95

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION

ATTACHMENT 8
(SURFACE OWNERS' CONSENTS)

Applicant's Name The Ohio Valley Coal Company

This attachment may be completed and submitted with the permit application if the response to item C.(2) in Part 1 of the permit application is "yes."

I (We) the undersigned, hereby consent to the proposed surface mining of coal by the above named applicant on the lands described below on which I (We) are the legal surface owner(s) of record. **Surface mining will consist of placement of an air shaft and substation only, No coal removal is planned. There will not be any surface mining.**

Owner's name Robert and Betty Kemp

Owner's Signature Robert Kemp Betty Kemp Date 5-25-99

County Belmont Township Goshen

Sections 5 Lots _____ Acres _____

Owner's name _____

Owner's Signature _____ Date _____

County _____ Township _____

Sections _____ Lots _____ Acres _____

Owner's name _____

Owner's Signature _____ Date _____

County _____ Township _____

Sections _____ Lots _____ Acres _____

Owner's name _____

Owner's Signature _____ Date _____

County _____ Township _____

Sections _____ Lots _____ Acres _____

Certification of Prime/Nonprime Farmland

Name of Mine Operator The Ohio Valley Coal Co

Location of Permit Application Area Section 5, Goshen Twp Belmont Co

Size of Permit Area (Acres) 2 ac

Check Appropriate Block:

1.



I have determined that this permit application DOES NOT contain prime farmland in accordance with the edition of the current county Prime Farmland Map Unit List found in the county Field Office Technical Guide.

2.



I have found that this permit application CONTAINS prime farmland in accordance with the edition of the Prime Farmland Map Units for Ohio and/or the current county Prime Farmland Map Unit List, whichever is more current.

A soil map has been attached and prime units are as follows:

Soil Map Symbol

Map Unit Name

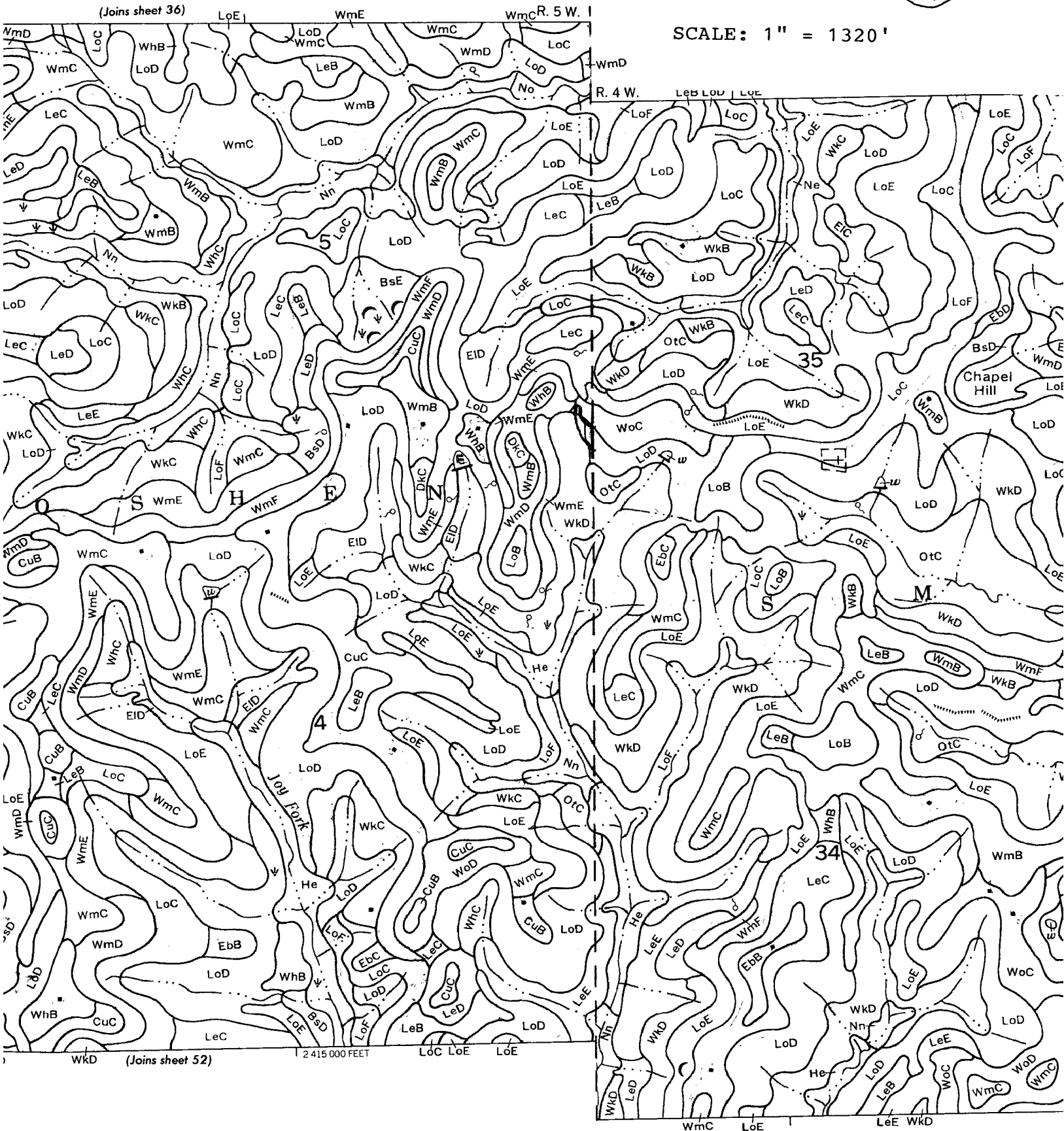
Signature

James W Forshey

6/10/99

Jim Forshey, Natural Resources Conservation Service
1119 East Main St., Barnesville, OH 43713, (614) 425-1100

SCALE: 1" = 1320'





June 15, 1999

Mr. Russ Scholl, Acting Chief
Division of Mines and Reclamation
Ohio Department of Natural Resources
8505 Georgetown Road
Cambridge, OH 43725

Attn: Mr. Tom Pulay, Reclamation Inspector

Dear Mr. Pulay:

The Ohio Valley Coal Company respectfully requests a small area drainage exemption for the enclosed Incidental Boundary Revision (IBR) pursuant to OAC 1501:13-9-14 B(3)(a). An area of 1.6 acres will be developed for an air shaft. The shaft will be located in Belmont County, Goshen Township, Section 5.

The area will be covered with a durable, non-erodible surface and the drainage will be controlled with the use of construction sumps as shown on the IBR map. In addition, hay bale dikes and silt fence will be used. The silt fence will be placed to prevent sediment from entering any streams. The silt fence will be removed after construction is completed and the area has been covered in rock and soil areas are seeded. The fresh water from off-site will be diverted around the site with the use of ditches as shown on the attached drawings.

Any discharge from this site, including discharge from the sumps, will meet effluent limitations. If you have any questions, please contact me.

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: File

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(740) 926-1351 • FAX (740) 926-1615

TOVCC 18487

FAX TRANSMISSION

THE OHIO VALLEY COAL COMPANY

56854 PLEASANT RIDGE ROAD

ALLEDONIA, OHIO 43902

(740) 926-1351

Fax: (740) 926-9112

To:

Date:

Fax #:

Pages: , including this cover sheet.

From:

Subject:

COMMENTS:

FAX TRANSMISSION

THE OHIO VALLEY COAL COMPANY

56854 PLEASANT RIDGE ROAD

ALLEDONIA, OHIO 43902

(740) 926-1351

FAX: (740) 926-9112

To: Pam Sweitzer

Date: 8-16-99

Fax #:

Pages: 6 , including this cover sheet.

From: Dave Bartsch

Subject:

COMMENTS: